



## **PART 4**

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**PART 4 - SECTION 1**

**STANDING ORDERS FOR MEETINGS**

## **PART 4 - SECTION 1 – STANDING ORDERS FOR MEETINGS**

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## **1.0 ANNUAL MEETING OF THE COUNCIL**

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April, or May.

The annual meeting will:

- (i) elect a person to preside if the Chairman and Vice-Chairman of Council are not present;
- (ii) consider priority business;
- (iii) elect the Chairman of the Council;
- (iv) elect the Vice-Chairman of the Council;
- (v) approve the minutes of the last meeting;
- (vi) receive any apologies for non-attendance;
- (vii) receive any declarations of interest;
- (viii) at its first post election Annual Meeting, appoint a Leader of the Council for a term of office expiring at the next post election annual meeting (unless removed or disqualified from office in accordance with the Constitution);
- (ix) following his/her election the duly elected Leader of the Council shall assume the full powers of the Leader and will appoint a Deputy Leader of the Council who, in their absence or following a vote of no confidence (see paragraph 4.0 of this Article) will act as Leader, and advise the Council of the members he/she intends to appoint to the Cabinet;
- (x) appoint the Overview and Scrutiny Committee, the Standards and Resources Committee, the Planning Committee, the Licensing and Regulatory Committee, the Wellbeing Select Committee and the Audit & Risk Committee, together with such other committees as the Council considers appropriate to deal with matters which are not reserved to the Council and are not Cabinet functions (as set out in Part 3 of this Constitution);
- (xi) agree the scheme of delegation for those matters not reserved to the Council and are not Cabinet functions (as set out in Part 3 of this Constitution);
- (xii) approve a programme of ordinary meetings of the Council for the year;
- (xiii) consider any business set out in the notice convening the meeting; and

- (xiv) receive any announcements from the Chairman.

## **1.1 Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the Council will:

- (i) decide which committees and sub-committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint the Chairman, Vice-Chairman and members to committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

## **2.0 ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) consider priority business;
- (iii) approve the minutes of the last meeting;
- (iv) apologies for absence;
- (v) receive any declarations of interest from members;
- (vi) questions pursuant to Council Procedure Rule 11.4;
- (vii) receive and debate, in accordance with the Council's Petitions Scheme, any petition signed by at least 2,000 qualifying persons;
- (viii) receive a report from the Leader of the Council and receive questions and answers thereon in accordance with Council Procedure Rule 11;
- (ix) receive reports from the Cabinet and statutory officers and receive questions and answers on any of those reports;

- (x) receive reports from the Council's Committees and receive questions and answers on any of those reports;
- (xi) consider motions;
- (xii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the scrutiny committees for debate;
- (xiii) receive the Chairman's announcements.

### **3.0 ELECTION OF LEADER OF THE COUNCIL**

**3.1** The Monitoring Officer will conduct the vote for the election of the Leader of the Council in accordance with the following procedure:

- (i) each member present at the time will have one vote;
- (ii) the vote will be taken by way of a roll call and recorded in the minutes;
- (iii) the Monitoring Officer will call out the name of each nominated person in alphabetical order and invite Members to vote according to their preference; alternatively they may, if they wish, abstain;
- (iv) at the conclusion of the vote the Monitoring Officer will announce the number of votes cast for each nominated person. If anyone nominated person receives an overall majority of the votes cast (abstentions will not be counted), they will be declared the winner and be elected as the Leader of the Council;
- (v) if no one nominated person receives an overall majority of the votes cast, then the nominated person receiving the least number of votes will be eliminated;
- (vi) the Monitoring Officer will then invite further round(s) of voting as necessary in accordance with the procedures set out in paragraphs 3.1 (i) to 3.1 (v) above until one nominated person receives an overall majority, for which any abstentions will not be counted;
- (vii) any member not present at the start of the first vote (iii) will not be entitled to a vote at a later round (vi) even if they have joined the meeting by that stage.

**3.2** Paragraphs (ii) and (iii) will be waived if only one nomination is made. Voting will then be by a show of hands.

#### **4.0 VOTE OF NO CONFIDENCE IN THE LEADER OF THE COUNCIL**

- 4.1** Any motion of no confidence in the Leader of the Council must be received by the Chief Executive by no later than 10 clear working days before the meeting of the Council to which it is to be submitted. The motion must be signed by at least 15 members of the Council and must set out the reasons why the signatories have concluded that a vote of no confidence in the Leader is required.
- 4.2** The motion will be listed first on the agenda.
- 4.3** No amendments to a motion calling for a vote of no-confidence motion in the Leader of the Council will be allowed.
- 4.4** Each member present at the time will have one vote.
- 4.5** Voting will be by way of a roll call recorded in the minutes.
- 4.6** In order to carry the motion, at least two thirds overall majority of those members present will be required.
- 4.7** In the event of the motion being carried, the Deputy Leader of the Council will assume the full powers of the Leader of the Council until a new Leader of the Council is appointed by the Council.

#### **5.0 CALLING EXTRAORDINARY MEETINGS**

- 5.1** Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:
- (i) the Council by resolution;
  - (ii) the Chairman of the Council;
  - (iii) the Monitoring Officer;
  - (iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **6.0 TIME AND PLACE OF MEETINGS**

- 6.1** The time and place of meetings will be determined by the Chief Executive and notified in the summons.



## **7.0 NOTICE OF AND SUMMONS TO MEETINGS**

**7.1** The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her to every councillor. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

## **8.0 CHAIRMAN OF MEETING**

**8.1** The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees.

## **9.0 QUORUM**

**9.1** The quorum of a meeting will be one quarter of the whole number of members. See also Rule 32 (c) in relation to Committees and Sub-Committees. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **10.0 DURATION OF MEETING**

**10.1** Unless the majority of councillors present vote for the meeting to continue, any meeting shall stand adjourned at 10.00 o'clock in the evening provided that, if there is a quorum present and in the opinion of the Chairman the matters remaining to be considered are either of such importance that it's in the interest of the Council that the consideration thereof should then take place or that the extension of time required is minimal, councillors may consent to the continuation of the meeting. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **11.0 QUESTIONS BY MEMBERS**

### **11.1 On Reports of the Cabinet or Committees**

A member of the Council may ask the Leader or appropriate Cabinet Member or the Chairman of a Committee any question without notice upon an item of the report of the Cabinet or by a Committee when that item is being received or under consideration (including debate) by the Council. The Leader, Cabinet Member or Chairman of a Committee may, if they consider it appropriate, chose to answer any such question during a meeting (including during the debate) and where this takes place, the Leader, Cabinet Member or Chairman of a Committee shall be entitled to speak again notwithstanding the provisions at rule 15.6.

## **11.2 Questions on Notice at Full Council**

Subject to Rule 11.4, a Councillor may ask:

- the Chairman;
- a member of the Cabinet;
- the Chairman of any committee, sub-committee or panel;

a question on any matter in relation to which the Council has powers or duties or which affects the District of South Staffordshire

## **11.3 Questions on notice at Committees and Sub-committees**

Subject to Rule 11.4, a member of a committee or sub-committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the District of South Staffordshire and which falls within the terms of reference of that committee or sub-committee.

## **11.4 Notice of questions**

A member may only ask a question under Rule 11.2 or 11.3 if either:

- (a) they have given at least seven working days' notice in writing or by electronic mail of the question to the Chief Executive; or
- (b) the question relates to urgent matters, they have the consent of the Cabinet Member/Chairman to whom the question is to be put, and the content of the question is given to the Chief Executive by 11.00 a.m. on the day of the meeting. Every question shall be put and answered without discussion but the person to whom the question has been put may decline to answer.

The Chief Executive may reject a question if it:

- (a) is not about a matter for which the Council has a responsibility or which affects the District;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) requires the disclosure of confidential or exempt information.

## **11.5 Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) a direct oral answer by the relevant officer with the consent of the member to whom the question was put;
- (c) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (d) where the reply cannot conveniently be given orally, a written answer circulated to the questioner.

#### **11.6 Supplementary Question**

A member having given notice of a question under Procedure Rule 11.2 and having received a reply under paragraph 11.5 may ask one supplementary question on the point of the original question. The response to the supplementary question shall be made in accordance with Procedure Rule 11.5.

#### **11.7 No debate on questions**

There shall be no debate on a question submitted under Procedure Rule 11.2 or on a supplementary question under Procedure Rule 11.6. A questioner may request that the matter under question be referred to the appropriate committee or sub-committee, if such a request is made the Chairman will ask for a seconder to the proposal; the seconder will have no right to speak on the proposal. The Member responding to the question shall have the right to comment on the proposed referral. The question will then be put to the vote without further debate.

**11.8** A member may not submit a question under Council Procedure Rule 11 relating to an individual determination made by the Planning, Licensing and Regulatory or Standards and Resources Committees or any sub-committee thereof or taken under powers delegated therefrom.

#### **12.0 REPORT OF THE LEADER OF THE COUNCIL**

**12.1** The Leader of the Council shall at each ordinary meeting of the Council submit a report on the work of the Cabinet and shall be open to question thereon.

**12.2** The Leader of the Council may invite (a) representative(s) of a partner organisation(s) to address the Council in respect of any matters referred to in the Leader's report relating to partnership working between the Council and the organisation(s).

**12.3** A member of the Council may, at the discretion of the Chairman, ask the Leader of the Council a question relating to a matter referred to in the Leader's report to Council and may, after having the response from the Leader (or at the Leader's discretion the relevant Cabinet Member, or representative of a partner organisation) ask one supplementary question on the point of the original question.

**12.4** A member of the Council may question the Leader once (with the provision for a supplementary question) on each item in the Leader's report.

**12.5** An answer by the Leader of the Council may take the form of:

- (a) a direct oral answer by the Leader of the Council;
- (b) a direct oral answer by a Cabinet Member with responsibility for the matter subject to question;
- (c) a direct oral answer by the relevant officer with the consent of the Cabinet Member;
- (d) a direct oral answer from a representative of a partner organisation invited by the Leader of the Council to respond;
- (e) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (f) where the reply cannot conveniently be given orally, a written answer circulated to the questioner.

**12.6** There shall be no debate on a question submitted under Procedure Rule 12.3. A questioner may request that the matter under question be referred to the Cabinet or appropriate committee or sub-committee, if such a request is made the Chairman will ask for a seconder to the proposal, the seconder will have no right to speak on the proposal; the Member of the Council, in responding to the question shall have the right to comment on the proposed referral. The question will then be put to the vote without further debate.

## **13.0 MOTIONS ON NOTICE**

### **13.1 Notice**

Except for motions which can be moved without notice under Rule 14, written notice of every motion, signed by a councillor, must be delivered to the Chief Executive not later than seven clear days before the date of the meeting. These will be entered in a book open to public inspection and maintained by the Monitoring Officer.

The Chief Executive may reject a motion if it:

- (i) is not about a matter for which the Council has a responsibility or which affects the District;
- (ii) is defamatory, frivolous or offensive;
- (iii) is substantially the same as a motion which has been put at a meeting of the Council in the past six months;

(iv) requires the disclosure of confidential or exempt information.

### **13.2 Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the councillor giving notice states, in writing, that they propose to move it at a later meeting or withdraw it.

### **13.3 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the District of South Staffordshire.

### **13.4 Motions not moved**

If a motion set out in the summons is not moved either by a councillor who gave notice thereof or by some other councillor on his/her behalf it shall be treated as withdrawn and shall not be moved without fresh notice.

### **13.5 Automatic reference to committee**

If the subject matter of any motion of which notice has been duly given comes within the province of the Cabinet or any committee or sub-committee it shall, upon being moved and seconded, stand referred without discussion to the Cabinet or such committee or sub-committees, or to such other committee or sub-committee as the Council may determine, for consideration and report: provided that the Chairman may, if he/she considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

## **ALTERNATIVE BUDGETS AND AMENDMENTS TO THE BUDGET**

13.6 Where, at a Council meeting, a Member wishes to move an alternative budget to be adopted by the Council, they must not propose a budget which would mean setting an unlawful / deficit budget. If a Member wishes to propose an alternative budget, they must consult with the Director of Finance at least a month before formal notice (referred to in 13.8) is required. This is to ensure that the financial implications have been adequately assessed.

13.7 Where at a Council meeting a Member wishes to move amendment(s) to the budget to be adopted by the Council they must not propose amendments which would mean setting an unlawful/deficit budget. An amendment should not include a proposed change to the level of council tax, or significant changes to the financial assumptions of service delivery, which would otherwise require consultation. If a Member wishes to propose an amendment to budget motion, they must consult with the Director of Finance at least a month before formal notice (referred to in 13.8) is required. This is to ensure that the financial implications have been adequately assessed.

13.8 Members must give formal notice in writing of any proposed amendment(s) to the

budget or any which would constitute an alternative budget to the Director of Finance and Monitoring Officer no later than 12 noon 10 working days before the Council meeting (not including the day of the meeting). Such notice shall be circulated to all Members and the alternative proposal(s) and amendments will all be dealt with as amendments in the order they are received by the Monitoring Officer.

#### **14.0 MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of the Cabinet or committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to extend the time limit for a speech;
- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) that the meeting continue beyond 10 p.m.;
- (o) to take a recorded vote under Procedure Rule 16.4;
- (p) to suspend a particular Council Procedure rule;
- (q) to exclude the public and press in accordance with the Access to Information Rules;

- (r) to not hear further a councillor named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (s) to give the consent of the Council where its consent is required by this Constitution.

## **15.0 RULES OF DEBATE**

### **15.1 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### **15.2 Right to require motion in writing**

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

### **15.3 Secunder's speech**

When seconding a motion or amendment, a councillor may reserve their speech until later in the debate.

### **15.4 Content and length of speeches**

Speeches must be directed to the question under discussion or to a point of order or personal explanation. No speech may exceed 5 minutes without the consent of the Chairman.

### **15.5 Only one councillor to stand at a time**

A councillor when speaking may stand but is not required to do so. If two or more councillors indicate a wish to speak, the Chairman shall call on the councillors to speak in the order noted by the Vice-Chairman.

### **15.6 When a councillor may speak again**

A councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another councillor;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

- (d) in exercise of a right of reply;
- (e) on a point of order or a personal explanation;
- (f) in accordance with Council Procedure Rules 12.3 and 12.4;
- (g) where a Councillor wishes to put forward a factual correction.

A councillor may speak more than once to ask questions of a Cabinet member or officer who is attending the Overview and Scrutiny Committee or the Wellbeing Select Committee, save that when the Committee formally moves to debate the matter before it, the procedure set out above shall apply. The recommendation can be put to the meeting by the Chairman without a proposer and seconder being required at a scrutiny committee.

### **15.7 Planning Committee Variation**

The Rules of Debate are varied in respect of the consideration of planning applications at Planning Committee. The officer recommendation on Individual applications does not require a proposer and seconder. There is no limit on the number of questions that a member of the Committee may ask in respect of a particular application. The application will be presented by the Planning Officer and following representations from interested parties, the application will be subject to questions and debate by members of the Committee. The recommendation contained within the report will be taken without the need for it to be proposed and seconded and will be voted on. The Rules of Debate will apply to any proposed amendment/motion.

### **15.8 Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add wordsas long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.



- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **15.9 Alteration of motion**

- (a) A councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment under Procedure Rule 15.8 may be made.

### **15.10 Withdrawal of motion**

A councillor may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **15.11 Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (d) A right of reply having been exercised, the question shall immediately be put to the meeting by the Chairman.

### **15.12 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 10.00 p.m.;
- (h) to exclude the public and press in accordance with the Access to Information Rules;
- (i) to not hear further a member named under Procedure Rule 20.3 or to exclude them from the meeting under Rule 20.4;
- (j) a requisition for a recorded vote under Procedure Rule 16.4.

### **15.13 Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another councillor:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote without further debate or discussion.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote without further debate or discussion. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural

motion to the vote without giving the mover of the original motion the right of reply and without further debate or discussion.

#### **15.14 Point of order and Personal Explanation**

A point of order is a request from a councillor to the Chairman to rule on an alleged irregularity in the procedure of the meeting. A councillor may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of the Council Rules of Procedure or the law. The councillor must indicate the rule or law and the way in which he/she considers it has been broken without which the alleged breach shall be disregarded. The ruling of the Chairman on the matter will be final and shall not be open to debate.

A councillor may rise to give a personal explanation at any time and will be heard immediately. A personal explanation must be confined to some material part of a former speech either by or relating to the Member, at the same meeting which may have been misunderstood.

#### **15.15 Motions affecting persons employed by the Council**

If any question arises at a meeting of the Council (or of the Cabinet, a committee or a sub-committee) to which Section 100(A) of the Local Government Act 1972 applies as it relates to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or the conduct of any person employed by the Council, such question shall not be subject of discussion until the Council, Cabinet, or relevant committee or sub-committee as the case may be, has decided whether or not the power of exclusion of the public under Section 100(A) of the Local Government Act 1972 shall be exercised.

#### **15.16 Councillor with a Disclosable Pecuniary Interest**

Where a Councillor has a Disclosable Pecuniary Interest in a matter to be considered at a meeting, the Councillor may attend the meeting when it considers the item only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise. Once the Councillor has made these representations or the meeting considers that the Councillor has concluded making representations, the Councillor must leave the room and may not remain in the room during the discussion or vote on the matter.

### **16.0 VOTING**

#### **16.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put. Only those councillors who have been present for the entirety of the debate on the item in question are entitled to vote.

## **16.2 Chairman's casting vote**

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

## **16.3 Method of Voting**

Unless this Constitution provides otherwise, or a recorded vote is demanded under Rule 16.4, the Chairman will at his or her discretion take the vote by electronic vote, show of hands or, if there is no dissent, by the affirmation of the meeting. Generally voting at Planning Committee will be by electronic vote unless the Chairman of the meeting decides otherwise or a recorded vote is to be taken.

## **16.4 Recorded vote**

There shall be a recorded vote if:

- (a) the majority of Councillors present at the meeting demand it,
- (b) The law so requires it, including in relation to the adoption of the annual budget for the Council

Where there is a recorded vote the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

## **16.5 Right to require individual vote to be recorded**

Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

## **16.6 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **17.0 MINUTES**

### **17.1 Signing the minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

## **17.2 Contents of Minutes**

Minutes of meetings of the Council shall record the proposal (including any amendment) moved, duly seconded and adopted by the Council.

## **17.3 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

## **17.4 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

## **18.0 RECORD OF ATTENDANCE**

All councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting as a record of their attendance.

## **19.0 EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Procedure Rule 20 (Disturbance by Public).

## **20.0 COUNCILLORS' CONDUCT**

### **20.1 Standing to speak**

Whilst a councillor is speaking, other councillors must remain seated unless they wish to make a point of order or give a personal explanation.

### **20.2 Ward Members speaking at Planning Committee**

In relation to meetings of the Planning Committee where an application or matter before the Committee relates to a specific ward the Chairman shall invite the ward members to speak first.

### **20.3 Chairman standing**

When the Chairman stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

#### **20.4 Councillor not to be heard further**

If a councillor persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, either during their speech or at any point during the meeting, the Chairman may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion. If the motion is carried the Councillor concerned may still vote on the matter under debate.

#### **20.5 Councillor to leave the meeting**

If the councillor continues to behave improperly after such a motion is carried, the Chairman may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

#### **20.6 General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

#### **21.0 DISTURBANCE BY PUBLIC**

##### **21.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

##### **21.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

#### **22.0 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

##### **22.1 Suspension**

All of these Council Rules of Procedure except Rule 13.5 and 15.3 may be suspended by motion on notice or without notice if at least one half of the whole number of councillors are present. Suspension can only be for the duration of the meeting.

##### **22.2 Amendment**

Any motion to add to, vary, or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **23.0 DELEGATION**

Where there has been any delegation of a power duty or function to a committee, the committee, shall in turn be duly authorised to further delegate the same provided that such delegation does not contravene any other decision of the Council.

## **24.0 SUBSTITUTE MEMBERS**

**24.1** The substitution rules will not apply to meetings of the Cabinet or the Standards and Resources Committee.

**24.2** Subject to any other restrictions elsewhere in the Constitution, any Member of the Council will be permitted to act as a substitute on a Council Body.

**24.3** The Monitoring Officer may consider a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.

**24.4** In order to be eligible to sit as substitutes on regulatory or quasi-judicial committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received the required training in relevant procedures and the law.

**24.5** Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

**24.6** Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary Member for whom they are designated substitute;
- (ii) where the ordinary Member will be absent for the whole of the meeting;
- (iii) where the ordinary Member has notified the Monitoring Officer of the intended substitution at least one hour before the start of the relevant meeting.

## **25.0 REPORTS OF OFFICERS**

- (a) Every such report to the Cabinet or any committee or sub-committee shall be issued by the Chief Executive to all councillors, or to all members of the Cabinet, committee, or sub-committee, as the case may be, with the summons or agenda which provides for the consideration thereof, at least 5 working days before the date on which the meeting is to be held, or, exceptionally, as soon as practicable before the meeting.

- (b) All business to be discussed at meetings of the Cabinet or any committee or sub-committee shall be set out in the agenda or in a report thereto.
- (c) The Leader of the Council (or other Councillor presiding at a meeting of the Cabinet) and the Chairman of the appropriate committee shall be authorised to allow urgent business to be brought forward at the conclusion of the business set out on the agenda, provided a written report detailing the subject matter has been circulated to the councillors present at the commencement of the meeting and the reasons for the urgency given.

## **26.0 URGENT ACTION**

The Chief Executive, in consultation with the Leader of the Council, relevant Cabinet Member, or the Chairman of the relevant committee, as appropriate, shall authorise any urgent action when it would be in the best interests of the Council to act prior to the appropriate Council or Committee meeting or prior to an executive decision being made; subject to such action being reported to the next meeting of the Council, the Cabinet or the committee.

## **27.0 INTERESTS OF COUNCILLORS IN CONTRACTS AND OTHER MATTERS**

- (a) If any councillor has a Disclosable Pecuniary Interest in a matter as defined in the Code of Conduct (see Part 5 hereof) and attends a meeting at which the matter is considered the councillor shall disclose to the meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.
- (b) If any councillor has a Disclosable Pecuniary Interest in a matter as defined in the Code of Conduct (see Part 5 hereof) then that member shall:
  - (i) withdraw from the room where the meeting is being held whenever it becomes apparent that the matter is being considered at that meeting unless a dispensation has been obtained from the Standards and Resources Committee or has been granted by the Monitoring Officer under in accordance with any delegated authority therefrom:
  - (ii) not exercise executive functions in relation to that matter; and
  - (iii) not seek improperly to influence a decision about that matter.

## **28.0 INTEREST OF EMPLOYEES AND COUNCILLORS IN CONTRACTS ETC**

The Chief Executive shall record in a book to be kept for the purpose particulars of any notice given by an employee of the Council under section 117 of the Local Government Act 1972 of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any councillor and a similar record shall be kept of such interests declared by councillors.



## **29.0 PROCEDURE RULES TO BE GIVEN TO COUNCILLORS**

A copy of these Procedure Rules, and of such statutory provisions as regulate the proceedings and business of the Council shall be provided to each councillor by the Monitoring Officer on or before the councillor signs a Declaration of Acceptance of Office on being first elected to the Council.

## **30.0 INSPECTION OF DOCUMENTS**

- (a) A councillor may, for purposes of his/her duty as such councillor but not otherwise, on application in writing to the Chief Executive, inspect any document which has been considered by a committee or by the Council, and if copies are available shall on request be supplied for the like purposes with a copy of such a document.
- (b) The written application shall set out the duty which the councillor is seeking to discharge in inspecting the document and the reasoning underlying the same.
- (c) A councillor shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has a Disclosable Pecuniary Interest as defined in the Code of Conduct (see Part 5 hereof) or, directly or indirectly, any pecuniary interest within the meaning of section 94 of the Local Government Act, 1972. This Procedure Rule shall not preclude the Chief Executive from declining to allow inspection of any document which, in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor and client.

## **31.0 INSPECTION OF LAND, PREMISES, ETC. BY COUNCILLORS**

A councillor shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his/her membership of the Council any right to inspect, or to enter upon any lands, offices, or premises which the Council has the power or duty to inspect or enter,

## **32.0 APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of the Council. None of the rules apply to meetings of the Cabinet. Only Rules 6-27 (but not Rules 12, 13) and 26), apply to meetings of committees and sub-committees save that:

- (a) the Chairman of the meeting may at his discretion waive the prohibition on members speaking more than once as contained in Rule 15.6;
- (b) Rule 17.2 shall apply to meetings of the Planning Committee or the Licensing and Regulatory Committee only when those committees are not considering individual applications.

- (c) Rule 9 shall apply to committees and sub-committees subject to a quorum being no fewer than 3 members of the committee/sub-committee.

**33.0 DETERMINATION OF PLANNING APPLICATIONS BY THE PLANNING COMMITTEE CONTRARY TO OFFICER RECOMMENDATIONS**

The Chairman of the Planning Committee shall not accept a proposal to determine a planning application contrary to officers' recommendations unless:

- (a) a motion to approve a planning application incorporates any conditions to be attached to such approval and also includes reasons for planning permission being granted and reasons for such conditions as may be imposed.
- (b) a motion to refuse a planning application incorporates the grounds for planning permission being refused.



**PART 4 - SECTION 2**

**ACCESS TO INFORMATION PROCEDURE RULES**

## **PART 4 - SECTION 2 – ACCESS TO INFORMATION PROCEDURE RULES**

### **1.0 Introduction**

These rules apply to all meetings of the Council, the Cabinet and any committees or sub-committees (together referred to in this Section as meetings).

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law. In addition to the specific measures set out below the Council will ensure that it complies with the Openness of Local Government Bodies Regulations 2014 in making all relevant papers and documents available to members of the public.

### **2.0 Additional rights to information**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law nor do these rules limit or diminish the Council's duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 2018.

### **3.0 Rights to Attend Meetings, Record Meetings and Public Speaking**

Members of the public may attend all meetings subject only to the exceptions in these rules.

Members of the public have a right to speak at Planning Committee in accordance with the Public Speaking at Planning Committee guidance.

Applicants or Licence Holders have a right to speak at Licensing and Regulatory Committee or Licensing Sub-Committee at a hearing relating to their application/licence.

All public meetings of the Council may be recorded; a protocol in respect of the recording of meetings is in place (Appendix B to this Section). Council meetings will be recorded by the Council as deemed appropriate.

The Council Procedure Rules of this Constitution allow that, if a member of the public or press interrupts the proceedings at any meeting, the Chairman may warn him/her. If he/she continues the interruption and a warning has been given, the Chairman may order his/her removal from the meeting place. In the event of a general disturbance in any part of the meeting place open to the public, the Chairman may order that part to be cleared. If the Chairman considers the orderly dispatch of business impossible, the Chairman may without question adjourn the meeting.

#### **4.0 Notices of Meetings**

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Codsall Community Hub (and at the venue at which the meeting is to be held if this is not the Community Hub) and on its website at [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk).

#### **5.0 Access to Agenda and Reports before the Meeting**

The Council will make copies of the agenda and reports open to the public available for inspection at the Community Hub, Codsall and on the website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the agenda has been sent out, the Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.

#### **6.0 Supply of Copies**

A copy of :

- (i) any agenda and reports which are open to public inspection;
- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda

will be available view on the Council's website [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk).

#### **7.0 Access to Minutes etc, after the Meeting**

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or the record of decisions taken together with the reasons for those decisions, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items considered when the meeting was open to the public.

## **8.0 Background Papers**

- (a) Every report will set out a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:
  - (i) disclose any facts or matters on which the report or an important part of the report is based; and
  - (ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.
- (b) The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9.0 Exclusion of Access by the Public to Meetings**

**9.1** The public may only be excluded under rule 9.2 or 9.4 for the part or parts of the meeting during which it is likely that confidential or exempt information would be divulged.

### **9.2 Confidential Information – Requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

### **9.3 Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by any enactment or Court Order.

### **9.4 Exempt Information – Discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or due to the nature of the proceedings, that exempt information would be disclosed. A decision to exclude the public is to be made by a formal resolution of Council, committee or sub-Committee.

When the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act, 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

## 9.5 Meaning of Exempt Information

Exempt information means information falling within the following categories (subject to any condition):

<u>Category</u>
1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes— (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under— (a) the Companies Acts (as defined in Section 2 of the Companies Act, 2006 (b) the Friendly Societies Act, 1974; (c) the Friendly Societies Act, 1992; (d) the Industrial and Provident Societies Acts, 1965 to 1978; (e) the Building Societies Act, 1986; or (f) the Charities Act, 1993.

<u>Category</u>
<p>9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations, 1992.</p>
<p>10. Information which—</p> <ul style="list-style-type: none"> <li>(a) falls within any of paragraphs 1 to 7 above; and</li> <li>(b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</li> </ul>
<p>11. (1) In parts 1 and 2 of this Part of this Schedule—</p> <p>"employee" means a person employed under a contract of service;</p> <p>"financial or business affairs" includes contemplated, as well as past or current, activities;</p> <p>"labour relations matters" means—</p> <ul style="list-style-type: none"> <li>(a) any of the matters specified in paragraphs (a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act, 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</li> <li>(b) any dispute about a matter falling within paragraph (a) above;</li> </ul> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;</p> <p>"office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;</p> <p>"registered" in relation to information required to be registered under the Building Societies Act, 1986, means recorded in the public file of any building society (within the meaning of that Act).</p>
<p>(2) Any reference in Parts 1 and 2 and this Part of this Schedule to "the authority" is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—</p> <ul style="list-style-type: none"> <li>(a) in the case of a principal council, to any committee or sub-committee of the council; and</li> <li>(b) in the case of a committee, to—</li> </ul>



- (i) any constituent principal council;
- (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and
- (iii) any other committee or sub-committee of a principal council falling within subparagraph (i) or (ii) above; and
- (c) in the case of a sub-committee, to—
  - (i) the committee, or any of the committees, of which it is a sub-committee; and
  - (ii) any principal council which falls within paragraph (b) above in relation to that committee.

## **10.0 Exclusion of Access by the Public to Reports**

With the approval of the Monitoring Officer, the Council may withhold public access to reports which, in the opinion of the Monitoring Officer, relate to items during which, in accordance with Rule 9, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed. If the information is exempt information the category of exemption must also be marked in the report.

## **11.0 Format of Reports**

Every report to Council, the Cabinet or any committee or sub-committee and any report of a Cabinet Member proposing a decision under his/her delegated powers shall be in the agreed format a copy of which is appended as Appendix A to this Part of the Constitution.

## **12.0 Cabinet and Officer Decisions**

### **(a) Advance notice of key decisions**

- (i) The Cabinet is required to give advance notice of forthcoming "Key Decisions", which are defined as any Cabinet, Committee of Cabinet, individual member or officer decision in the course of exercise of an executive function decision likely to:
  - result in the Council incurring expenditure which is or the making of savings which are significant having regard to the Council's budget for the service or function to which the decision relates or
  - be significant in terms of its effects on communities living or working in an area comprising two or more wards within the area of the Council

In addition, any decision involving expenditure or savings of over £300,000 (but excluding any decision relating to investment/withdrawal

of Council monies as part of Treasury Management Procedures) will be considered to be a key decision.

Subject to Rule 12(d) (general exception) and Rule 12(e) (special urgency), a key decision may not be taken unless:

- A Notice of Key Decision has been published in connection with the matter in question;
- at least 28 clear days has elapsed since the publication of the Notice of Key Decision; and
- where the decision is to be taken at a meeting of the Cabinet notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

**(b) Contents of Notice of Key Decision**

The Notice of Key Decision will state that a key decision is to be taken by the Cabinet, an individual Cabinet Member or an officer in the course of the discharge of an executive function. It will describe the following particulars:

- (i) the matter in respect of which the decision is to be made;
- (ii) where the decision maker is an individual, the name and title of the decision maker, and where the decision maker is a body, its name and a list of its membership;
- (iii) the date on which, or the period within which, the decision is to be made;
- (iv) a list of the documents submitted to the decision maker for consideration in relation to the matter;
- (v) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (vi) that other documents relevant to the matter may be submitted to the decision maker; and
- (vii) the procedure for requesting details of those documents (if any) as they become available.

**(c) Publication of the Notice of Key Decision**

The Notice of Key Decision must be made available for inspection by the public at Community Hub, Codsall and on the Council's website [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk) and will be sent to all Members of the Council via email.

**(d) General Exception**

If a Notice of Key Decision has not been published, then subject to Rule 12(e) (special urgency), the decision may still be taken if:

- (i) the decision must be taken by such a date that it is impracticable to publish a Notice of Key Decision;
- (ii) the Monitoring Officer has informed the Chairman of the Overview and Scrutiny Committee, or in his/her absence the Vice-Chairman, in writing, or if there is no such person, each member of that committee in writing, by notice, of the matter about which the decision is to be made;
- (iii) the Monitoring Officer has made copies of that notice available to the public at the Community Hub, Codsall, and publish the notice on [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk) and
- (iv) at least 5 clear days have elapsed since the Monitoring Officer complied with 12 (d) (ii) and (iii).

As soon as reasonably practicable after the Monitoring Officer has complied with Rule 12(e), he/she must make available at Community Hub Codsall and publish on [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk) the reasons why compliance with Rule 12(d) is impractical.

At least once a year a report must be taken to full Council setting out all executive decisions taken under urgency provisions.

**(e) Special Urgency**

If by virtue of the date by which a key decision must be taken Rule 12(d) (general exception) cannot be followed, then the key decision can only be taken with the agreement of the Chairman of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred.

As soon as reasonably practicable after agreement has been obtained under Rule 12(e), the decision maker must make available at Community Hub Codsall and publish on [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk) a notice setting out the reasons that the decision is urgent and cannot reasonably be deferred.

**(f) Notice of Private Meetings of the Cabinet**

At least 28 clear days before a private meeting the Cabinet must:-

- (i) make available at the offices of the Council a notice of its intention to hold the meeting in private (a "Notice of Private Meeting") including reasons for doing so; and
- (ii) publish that notice on the Council's website.

At least five clear days before a private meeting, the Cabinet must:-

- (i) make available at the Community Hub, Codsall, a further notice of its intention to hold the meeting in private; and
- (ii) publish that notice on the Council's website.

This further notice must include:-

- (i) a statement of the reasons for the meeting to be held in private
- (ii) details of any representations received by the Cabinet about why the meeting should be open to the public; and
- (iii) a statement of the response of the Cabinet to any such representations.

Where the date by which a meeting must be held makes compliance with this Rule impractical, the meeting may only be held in private where the Cabinet has obtained agreement that the meeting is urgent and cannot reasonably be deferred from the Chairman of the Overview and Scrutiny Committee

As soon as reasonably practicable after the Cabinet has obtained agreement to hold a private meeting, it must

- (i) make available at the Community Hub, Codsall, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (ii) publish that notice on the Council's website.

**(g) Where the Chairman of the Overview and Scrutiny Committee is Unable to Act**

Where the agreement of the Chairman of the Overview and Scrutiny is required by 12(d) or 12(e) and where there is no Chairman of the Overview and Scrutiny Committee, or if the Chairman of the Overview and Scrutiny Committee is unable to act, then agreement shall be sought from the Vice-Chairman of the Overview and Scrutiny Committee.

If there is no Vice-Chairman of the Overview and Scrutiny Committee or the Vice-Chairman of the Overview and Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice Chairman of the Council will suffice.

**(h) Attendance at Private Meetings of the Cabinet**

All members of the Cabinet will be served notice of all private meetings of the Cabinet and shall be entitled to attend private meetings of the Cabinet unless precluded from doing so by law or by the Code of Conduct for Councillors. Members other than Cabinet members will not be entitled to attend private meetings of the Cabinet.

**(i) Recording a Decision by the Cabinet or other Individual Cabinet Member or a Key Decision by an officer**

As soon as reasonably practicable after an Cabinet decision has been made by the Cabinet collectively or by an individual Cabinet Member, the Cabinet or Cabinet Member, or in the case of a key decision made by an officer, the officer shall make a written record of that decision which shall include:

- (a) record of the decision including the date;
- (b) record of reasons for the decision;
- (c) details of alternative options considered;
- (d) record of any conflict of interest declared; and
- (e) any dispensation granted by Standards and Resources Committee or Head of Paid Service, where appropriate.

Records of Cabinet and Key officer decisions shall be sent to the Monitoring Officer who shall maintain such records and shall make them available for public inspection as soon as reasonably practicable after the decision has been taken, together with a copy of any report considered and any background papers.

Rules 12(i)(b) and 12(i)(c) do not apply where the publication of a report or background paper would be likely to disclose exempt or confidential information

**SOUTH STAFFORDSHIRE COUNCIL**

**CABINET – DATE**

**TITLE**

**REPORT OF THE**

**LEAD CABINET MEMBER –**

**PART A – SUMMARY REPORT**

**1. SUMMARY OF PROPOSALS**

1.1

**2. SUMMARY IMPACT ASSESSMENT**

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Has an Equality Impact Assessment (EqIA) been completed?	
	Has a Data Protection Impact Assessment been completed?	
SCRUTINY POWERS APPLICABLE		
KEY DECISION		
TARGET COMPLETION/ DELIVERY DATE		
FINANCIAL IMPACT		
LEGAL ISSUES		
STRATEGIC RISK		
OTHER IMPACTS, RISKS & OPPORTUNITIES including climate impacts and health impacts if applicable		
IMPACT ON SPECIFIC WARDS		

**PART B – ADDITIONAL INFORMATION**

3. INFORMATION

4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

4.1

5. PREVIOUS MINUTES

5.1

6. BACKGROUND PAPERS

7. **RECOMMENDATIONS**

7.1

Report prepared by:



## Filming, Videoing, Photography and

### Audio Recording at council meetings

South Staffordshire Council is committed to being open and transparent in the way it conducts its business. The press and members of the public are therefore welcome to film, photograph or record decision making in action at any meeting that is open to the public.

The Council also welcomes the use of social media, such as bloggers, tweeters, Facebook and YouTube users.

This Protocol provides practical information to assist anyone considering filming, videoing, photographing or making audio recordings of meetings.

#### **Before the meeting**

Anyone intending to film or record a meeting should contact the Corporate Director of Governance for advice and guidance. Reasonable advance notice will enable practical arrangements to be made and any special requirements to be discussed.

Flash photography, additional lighting or large equipment will not be permitted, unless agreed in advance and it can be accommodated without causing disruption to the proceedings. Requests to use equipment of this nature will be subject to consideration of the constraints of the meeting rooms.

#### **General**

The Chairman of the meeting or the relevant Cabinet Member will be informed of any intention to film and s/he will make an announcement to attendees before the start of the meeting informing attendees that the meeting may be filmed.

Notice of the filming/recording/broadcasting of meetings will be displayed in and outside the place of meeting and meeting agendas will include the following:

“The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Corporate Director of Governance (in advance) who will instruct that they are not included in the filming.”



Members of the public speaking at, or attending, the meeting (including asking questions or presenting petitions) must not be filmed if they have indicated that they do not wish to be included.

Recording and reporting the council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

The Council will display the requirements as to filming, recording and broadcasting at its meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not.

The Council will publish the guidance on the filming, recording and broadcasting of meetings on its website.

Filming or recording must be non-intrusive and the Council's Rules of Procedure Rule 22 provides for the removal of a member of the public from a meeting should that person, having been warned, continue to interrupt proceedings. The Chairman of a meeting or an individual Cabinet Member may also call any part of the meeting room to be cleared in the event of a general disturbance.

It should be noted that the Chairman of a meeting will have absolute discretion to terminate or suspend any of the above activities if, in his/her opinion, continuing to do so would prejudice the running of the meeting. The circumstances in which termination or suspension might occur could include:

- public disturbance, disruption or suspension of the meeting.
- the meeting agreeing to formally exclude the press and public from the meeting due to the exempt/confidential nature of the business being discussed, in accordance with statutory procedures.
- where it is considered that continued recording/ photography/ filming/ webcasting might infringe the rights or privacy of any individual (including staff members), or intimidate them.
- for any other reason which the Chairman considers reasonable in the circumstances.

## During the meeting

Filming or recording of Meetings should:

- Not interfere with the effective conduct of the meeting, nor should it be disruptive or distracting. The Chairman or the Cabinet Member has discretion to suspend or stop filming or recording at any time if and to take appropriate action if anyone is, in his/her opinion, doing so in a disruptive manner.
- Not seek to 'overview' sensitive information such as close ups of confidential papers or private notes
- Usually take place from a specified location(s) within the room.
- Not obstruct others from observing and participating in the proceedings.
- Cease immediately if and when the meeting agrees to formally exclude the Press and public due to business of an Exempt or Confidential nature (see 'Exempt or confidential business' below).
- Not be edited in a way that could lead to misinterpretation of the proceedings or the comments made, or that ridicules those being filmed.
- When published or broadcast, recordings should be accompanied by information including when and where the recording was made and the context in which the discussion took place.
- Be overt (i.e. clearly visible to anyone at the meeting).
- Cease, unless continued filming has been explicitly agreed in advance with the Corporate Director of Governance, when the meeting is formally concluded.

## Exempt or confidential business

All meetings of the Cabinet, Committee, Sub Committee and Panel meetings are open to the public except in limited circumstances where the Council is legally required, or allowed, to close the meeting to the public. The circumstances where business is 'exempt' or 'confidential' are set out in Section 2 Part 4 of the Council's Constitution.



**PART 4 - SECTION 3**

**BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

## **PART 4 - SECTION 3 - BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

### **1.0 The Framework for Cabinet Decisions**

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it. References in these rules to the Policy Framework are to the plans and strategies required by law to be adopted by the Council as set out in Article 4.

#### **Process for developing Policy Framework**

- 1.1 The Leader of the Council will publicise at the Council's offices, on its website, and in the Council's newspaper, a timetable for making proposals to the Council for the adoption of any plan, strategy, or budget that forms part of the Budget and Policy Framework, and its arrangements for consultation after publication of those initial proposals. The Chairman of the Overview and Scrutiny Committee and the Chairman of the Audit & Risk Committee will also be notified. The consultation period shall, in each instance, be dependent on the nature or complexity of the plan strategy or budget in question but shall not be less than 4 weeks."
- 1.2 At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. The Cabinet will then consult the Overview and Scrutiny Committee on the proposals. It will be open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response submitted from the Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees, and the Cabinet's further response.
- 1.3 Once the Cabinet has approved the firm proposals, they will be referred at the earliest opportunity to the Council for decision.
- 1.4 In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.
- 1.5 If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- 1.6 The decision will be publicised and a copy shall be given to the Leader of the Council.
- 1.7 Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in Rule 1.8 below.

1.8. Before the Council:

1.8.1 amends the draft plan or strategy;

1.8.2 approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

1.8.3 adopts (with or without modification) the plan or strategy,

it must inform the Leader of the Council of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

1.9 Where the Council gives instructions in accordance with Rule.1.8, it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions within which the Leader of the Council may:-

1.9.1 submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for its consideration; or

1.9.2 inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

1.10 When the period specified by the authority, referred to in paragraph 1.9, has expired, the Council must, when:-

1.10.1 amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

1.10.2 approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

1.10.3 adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Leader of the Council submitted to the Council, or informed the Council of, within the period specified.

- 1.11 Subject to Rule 1.15, where, before 8th February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:-
- 1.11.1 estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
  - 1.11.2 estimates of other amounts to be used for the purposes of such a calculation;
  - 1.11.3 estimates of such a calculation; or
  - 1.11.4 amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,
- and following consideration of these estimates or amounts the Council has any objections to them, it must take the action set out in Rule 1.12.
- 1.12 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in Rule 1.11.1, or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of the Council of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- 1.13 Where the Council gives instructions in accordance with Rule 1.12, it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions on behalf of the Cabinet within which the Leader of the Council may:-
- 1.13.1 submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
  - 1.13.2 inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- 1.14 When the period specified by the Council, referred to in Rule 1.13, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in Rule 1.13, or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:-
- 1.14.1 any amendments to the estimates or amounts that are included in any revised estimates or amounts;
  - 1.14.2 the Cabinet's reasons for those amendments;

1.14.3 any disagreement that the Cabinet has with any of the Council's objections;  
and

1.14.4 the Cabinet's reasons for that disagreement,

which the Leader of the Council submitted to the Council, or informed the Council of, within the period specified.

1.15 The above Rules shall not apply in relation to -

1.15.1 calculations or substitute calculations which the Council is required to make in accordance with relevant legislation; and

1.15.2 amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with relevant legislation.

1.16 In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the Budget and degree of in-year adjustments to the Policy Framework which may be undertaken by the Cabinet, in accordance with these Rules and the Financial Procedure Rules. Any other changes to the policy and budgetary framework are reserved to the Council.

1.17 The Cabinet will in addition to the above provisions consult the Scrutiny Committee regularly in the process of preparing the draft budget and draft plans and strategies and, where appropriate, stakeholders.

## **2.0 Decisions outside the Budget and Policy Framework**

2.1 Subject to the provisions of Rule 1.16 and Rule 3.3 below the Cabinet members of the Cabinet, and any officers discharging Cabinet functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons considers it desirable for a decision to be made which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by the Council, that decision may only be taken by the Council, subject to Rule 3.3 below.

## **3.0 Urgent decisions outside the Budget or Policy Framework**

3.1 The Cabinet may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken if it is not practical to convene a meeting of the full Council and the Chairman of the Overview and Scrutiny Committee or in his absence the Vice-Chairman of the Overview and Scrutiny Committee agrees that the decision needs to be taken as a matter of urgency.

3.2 The reasons why it is not practical to convene a meeting of the Council and the Chairman of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.

3.3 Following the decision, the Cabinet will provide a full report to the next available Council meeting explaining the decision, the reasons for it, and why the decision was treated as a matter of urgency.

#### **4.0 Virement**

4.1 The Financial Procedure Rules set out the arrangements for authorising virement between budget heads. Virement of expenditure permitted under the Financial Procedure Rules shall be deemed to be expenditure within the Council's Budget. Virement between budget heads is an integral and important feature of budgetary control. It allows service providers to adapt to service changes within the Council Policy Framework. The details of virement can be found in Financial Procedure Rules in Part 4 of the Constitution.

#### **5.0 In-year changes to Policy Framework**

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Cabinet, members of the Cabinet, or officers discharging Cabinet functions must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except as set out in Rules 2.0, 3.0 and 4.0 above.

#### **6.0 Call-in of decisions outside the Budget or Policy Framework**

Save in the circumstances referred to in Rule 3.0 above, if the Monitoring Officer and/or Director of Finance consider that a proposed decision would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, no action may be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council may:

- (a) determine that the proposed decision falls within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council shall be minuted and circulated to all councillors in the normal way; or
- (b) amend the Council's policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that decision of the Council shall be minuted and circulated to all councillors in the normal way; or
- (c) where the Council accepts that decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing policy or budget to accommodate it, require the Cabinet to reconsider the matter; or
- (d) approve the decision or proposal as an exception to the policy; or
- (e) provide the relevant budgetary provision for the decision or proposal.





**PART 4 - SECTION**  
**CABINET PROCEDURE RULES**

## **PART 4 - SECTION 4 - CABINET PROCEDURE RULES**

### **1.0 How Does The Cabinet Operate**

#### **1.1 Who may make Cabinet decisions?**

Cabinet functions may be discharged by:

- (i) the Cabinet as a whole;
- (ii) an individual member of the Cabinet;
- (iii) an officer;

#### **1.2 Delegation by the Leader**

Following the annual meeting of the Council, the Monitoring Officer will, at the direction of the Leader, draw up a written record of executive delegations made by the Leader for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. This will contain the following information about executive functions in relation to the coming year:

- 1.2.1 the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
- 1.2.2 the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

#### **1.3 Sub-delegation of executive functions**

- 1.3.1 Where the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to an officer.
- 1.3.2 Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

#### **1.4 The Council's scheme of delegation and executive functions**

- 1.4.1 The Leader may amend the scheme of delegation relating to executive functions at any time. In doing so the Leader will give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

## **1.5 Cabinet meetings – when and where?**

The frequency and timing of meetings of the Cabinet will be determined by the Leader. The Cabinet will meet at the Council’s Community Hub, Codsall or another location to be agreed by the Leader of the Council.

## **1.6 Public or private meetings of the Cabinet?**

The Cabinet will meet in public subject to the right to meet in private under the Local Government Act 1972 (as reflected in the Access to Information Rules in Part 4 of this constitution).

## **1.7 Quorum**

The quorum for a meeting of the Cabinet shall be 3 (for the avoidance of doubt the Leader/Deputy Leader shall be included in terms of the number of members attending cabinet but are not required to be there for the meeting to be quorate).

## **1.8 How are decisions to be taken by the Cabinet?**

Cabinet decisions which have been delegated to the Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of this Constitution.

## **2.0 How Are Cabinet Meetings Conducted?**

### **2.1 Who presides?**

If the Leader of the Council is present, he/she will preside. In his/her absence, the Deputy Leader of the Council will preside. If neither the Leader nor the Deputy Leader of the Council are present, a member of the Cabinet elected to do so by those present shall preside.

### **2.2 Who may attend?**

Details are set out in the Access to Information Rules in Part 4 of this Constitution.

### **2.3 What business?**

At each meeting of the Cabinet the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) apologies for absence;
- (iii) declarations of interest, if any;
- (iv) matters set out in the agenda for the meeting, including matters referred to the Cabinet (whether by a scrutiny committee, or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained

in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution; and consideration of reports from the Overview and Scrutiny Committee or the Wellbeing Select Committee. The agenda shall indicate which are key decisions and which are not to be considered in public in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

## 2.4 Consultation

All reports to the Cabinet from any member of the Cabinet on proposals relating to the budget and policy framework must contain in a standard paragraph of the report details of the nature and extent of consultation with stakeholders and the relevant scrutiny committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## 2.5 Who can put items on the Cabinet agenda?

- (i) The Leader of the Council will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes and which is a matter which may be the responsibility of the Cabinet or a Cabinet Member. The Chief Executive shall comply with the Leader of the Council's requests in this respect.
- (ii) Any member of the Cabinet may require the Leader of the Council to place an item on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a requirement in writing the Leader of the Council will comply with it;
- (iii) The Chief Executive will place on the agenda of the next or next but one meeting of the Cabinet any item which the Council or a scrutiny committee have resolved that be considered by the Cabinet;
- (iv) Any councillor may ask the Leader of the Council to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader of the Council agrees the item will be considered at the next or next but one meeting of the Cabinet. The notice of the meeting will give the name of the councillor who asked for the item to be considered. The councillor will be invited to attend the meeting, whether or not it is a public meeting.
- (v) The Monitoring Officer and/or the Director of Finance may request the Chief Executive to place an item for consideration on the agenda of a Cabinet meeting and may request him to call such a meeting in pursuance of their statutory duties. The Chief Executive will comply with that request. If there is no meeting of the Cabinet timely enough to deal with the issue in question, the Chief Executive shall convene an earlier meeting of it at which the matter will be considered.



**PART 4 - SECTION 5**

**OVERVIEW AND SCRUTINY PROCEDURE RULES**

## **PART 4 - SECTION 5 – OVERVIEW AND SCRUTINY PROCEDURE RULES**

**1.0** The Council at its annual meeting will appoint an Overview and Scrutiny Committee, an Asset Scrutiny Panel and a Wellbeing Select Committee known collectively as “the scrutiny committees”. The scrutiny committees may not appoint sub-committees or panels.

1.1 The scrutiny committees will perform all overview and scrutiny functions on behalf of the Council, in accordance with this Constitution.

1.2 The Overview and Scrutiny Committee will comprise all councillors who are not members of the Cabinet, together with such non-elected members as it may co-opt and who shall be non-voting members.

1.3 The Wellbeing Select Committee will comprise 15 councillors appointed by the Council who are not members of the Cabinet, and the lead County Councillor for health scrutiny in South Staffordshire appointed by Staffordshire County Council (who shall be a full voting member of the committee), together with any such non-elected members as it may co-opt and who shall be non-voting members.

1.4 The Asset Scrutiny Panel will comprise 7 councillors appointed by the Council who are not members of the Cabinet.

1.4 The terms of reference of the scrutiny committees are set out in Part 3 of this Constitution.

### **2.0 WHO MAY SIT ON THE SCRUTINY COMMITTEES**

2.1 All Councillors except members of the Cabinet shall be eligible to serve on the scrutiny committees. However, no councillor may be involved in scrutinising a decision in which he/she has been directly involved.

### **3.0 CO-OPTees**

3.1 The scrutiny committees shall be entitled to appoint persons as non-voting co-optees.

### **4.0 MEETINGS OF THE SCRUTINY COMMITTEES**

4.1 Meetings will be held in accordance with the schedule of meetings approved by the Council and additional meetings may be called from time to time as and when appropriate. A scrutiny committee meeting may be called by a Chairman of the relevant scrutiny committee, by any member of the committee, or by the Chief Executive if he/she considers it necessary or appropriate.

## **5.0 QUORUM**

- 5.1 The quorum for the scrutiny committees shall be one quarter of the voting members of the committee or three voting members whichever is the greater number.

## **6.0 WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEE**

- 6.1 The Chairmen of the scrutiny committees will be drawn from among the members sitting on the relevant committee, save that the Chairman or Vice-Chairman of the Council shall not be the chairman or vice-chairman of a scrutiny committee. The Chairman of the Overview and Scrutiny Committee may not also chair the Wellbeing Select Committee.

## **7.0 SCRUTINY WORK PROGRAMME**

- 7.1 The scrutiny committees will, within their terms of reference, be responsible for setting their own work programme and in doing so they shall take into account wishes of members on the committee who are not members of the largest political group on the Council.
- 7.2 At the first meeting in each Municipal Year the Overview and Scrutiny Committee shall approve the Scrutiny Work Programme and determine what, if any, part of the work programme shall be undertaken by the Wellbeing Select Committee.
- 7.3 The Overview and Scrutiny Committee will review the Scrutiny Work Programme at least annually.

## **8.0 AGENDA ITEMS**

- 8.1 Any member of the Council shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of a scrutiny committee to be included on the agenda for the next available meeting of the relevant committee. On receipt of such a request the Chief Executive will ensure that the item is included on the next available agenda provided that seven working days has been given to the Monitoring Officer together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

## **9.0 REVIEW OF COUNCIL ACTIVITIES**

- 9.1 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Cabinet, to review particular areas of Council activity. The Overview and Scrutiny Committee may discharge this function through the Wellbeing Select Committee which will report to the Overview and Scrutiny Committee. Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or the Council. The Council and/or the

Cabinet shall consider the report of the Overview and Scrutiny Committee at its next or next but one meeting.

## **10.0 COUNCILLOR CALL FOR ACTION**

10.1 Any member of the Council may refer a matter which affects their ward to the Overview and Scrutiny Committee (except that a member may not exercise this right relevant to a matter upon which they may exercise Cabinet powers). The Overview and Scrutiny Committee may refer the matter to the Wellbeing Select Committee.

10.2 Any member referring a Councillor Call for Action shall have the right to:-

- make representations to the Overview and Scrutiny Committee as to why the committee should scrutinise the decision
- if the Overview and Scrutiny Committee decides not to scrutinise the matter, receive reasons from the committee for not doing so.
- if the Overview and Scrutiny Committee (or the Wellbeing Select Committee if the matters is referred to that Committee) decides to scrutinise the matter, receive the committee report and/or recommendation(s)

## **11.0 PETITIONS**

11.1 To consider, in accordance with the Council's Petitions Scheme any petition signed by at least 1,000 qualifying persons which calls for evidence from a Senior Officer.

## **12.0 POLICY REVIEW AND DEVELOPMENTS**

12.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

12.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the scrutiny committees may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference;

12.3 The scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist it in this process within the budgetary provision assigned to it. It may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations within such budgetary provision. It may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors, and witnesses a reasonable fee and expenses for doing so within the budgetary provision assigned to it.



### **13.0 REPORTS FROM THE SCRUTINY COMMITTEES**

- 13.1 Once it has formed recommendations on proposals, a scrutiny committee will prepare a formal report and submit it to the Chief Executive for consideration by Council or by the Cabinet which shall consider and respond to the recommendations.
- 13.2 The Council or the Cabinet shall consider the report of the scrutiny committee at its next or next but one meeting.

### **14.0 MAKING SURE THAT SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET**

- 14.1 The reports of the scrutiny committees referred to the Cabinet shall be included in the agenda by the Chief Executive at the next or next but one meeting.
- 14.2 Where a scrutiny committee prepares a report for consideration in relation to a matter where the Council has delegated decision making power to an individual member of the Cabinet, the scrutiny committee, will submit a copy of its report to him/her for consideration and, at the same time send a copy of the report to the Chief Executive. The member with delegated decision making power must consider the report and respond in writing to the scrutiny committee, within four weeks of receiving it. A copy of his/her written response to it shall be sent to the Chief Executive and the Leader of the Council. The member will also, at the request of the scrutiny committee, attend a future meeting of the scrutiny committee, to present the response.

### **15.0 SCRUTINY OF CABINET DECISIONS**

- 15.1 All key decisions will routinely be referred to the Overview and Scrutiny Committee for consideration prior to any decisions being taken thereon by the Cabinet, Cabinet Member or Officer exercising executive functions.
- 15.2 Once any proposed decision (whether or not the proposal constitutes a key decision) has been considered by the Overview and Scrutiny Committee, and subject to that committee having no adverse comments to make thereon, any decision of the Cabinet or a Cabinet Member in accordance with that proposal will not be subject to further call in and, unless prescribed by law or the Council's Constitution, not subject to any requirement for approval by Council.
- 15.3 Where a Cabinet decision has been made (either by the Cabinet, a Cabinet Member or an officer) and that decision was not treated as a key decision and the Overview and Scrutiny Committee are of the opinion that the decision should have been treated as a key decision, the Overview and Scrutiny Committee may require the Cabinet or officer to submit a report to full Council within a reasonable period. The report must include details of the decision and reasons for it, by whom the decision was taken and the reasons for not classing the decision as key.

## **16.0 CONSIDERATION OF ISSUES PROPOSED BY A MINORITY GROUP**

- 16.1 One Opposition Day per year will be allocated to each scrutiny committee. The item for debate shall be determined by the largest minority group on the Council, but must be a matter within the remit of the relevant scrutiny committee.
- 16.2 The Leader of the largest minority group on the Council shall advise the Chairman of the relevant scrutiny committee of the subject for the Opposition Day Debate at least three weeks prior to the debate taking place. In the absence of such a Leader the item for debate at a scrutiny committee shall be determined by the Member(s) of the committee who is/are not Members of the controlling group on the Council. In this event the Member shall/or Members shall jointly, advise the Chairman of the relevant scrutiny committee of the subject for the Opposition Day Debate at least three weeks prior to the debate taking place.
- 16.3 The Leader of the largest minority group on the Council shall, unless a member of the Cabinet, be entitled to attend the scrutiny committee considering a matter submitted to the committee pursuant to Paragraph 15.1, to introduce the matter and answer questions thereon, but may not take part in the debate or voting thereon unless a member of the committee.

## **17.0 COUNCILLORS AND EMPLOYEES GIVING ACCOUNT**

- 17.1 Within its terms of reference each scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require, in accordance with any protocol the Council may adopt, any member of the Cabinet, the Chief Executive, or any employee to attend before it to explain in relation to matters within their remit:
- any particular decision or series of decisions;
  - the extent to which the actions taken implement Council policy; and/or
  - their performance,
- and it is the duty of those persons to attend if so required.
- 17.2 Where any member of the Cabinet or employee is required to attend a scrutiny committee, under this provision, the chairman of that committee or panel will inform the Corporate Director of Governance. The Corporate Director of Governance shall inform the councillor or employee in writing giving at least 5 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, the councillor or employee concerned will be given sufficient notice to allow for preparation of that documentation.

- 17.3 Where, in exceptional circumstances, the member of the Cabinet or employee is unable to attend on the required date, the Chairman of the scrutiny committee, shall, in consultation with the councillor or employee, arrange an alternative date for attendance to take place within a maximum of 21 days from the date of the original request, unless an extended period is agreed by the relevant chairman.

## **18.0 ATTENDANCE BY OTHERS**

- 18.1 A scrutiny committee may invite people other than those people referred to in paragraph 16 above to address it, discuss issues of local concern, and/or answer questions. It may for example wish to hear from residents, stakeholders (including partner organisations), and councillors and employees in other local authorities and shall invite such people to attend.
- 18.2 With the agreement of the relevant chairman, all non-Cabinet members may make representations to a scrutiny committee, of which they are not a member, although they may not take part in the debate or formally put forward proposals.
- 18.3 With the agreement of the relevant scrutiny committee, a Cabinet member may make representations to a scrutiny committee acting in his/her capacity as a Ward Councillor, subject to the matter under consideration not falling within that Member's responsibilities, but may not take part in the debate or formally put forward proposals.
- 18.4 With the agreement of the relevant scrutiny committee chairman, a non-Cabinet member excluded under Paragraph 2.1 may make representations to a scrutiny committee acting in his/her capacity as Ward Councillor, but may not take part in the debate formally put forward proposals or vote on relating to a decision in which he/she has been directly involved and even if he/she is a member of the Committee
- 18.5 Nothing in the Overview and Scrutiny Procedure Rules 18.2 and 18.3 inhibits a member's ability to submit a Councillor Call for Action pursuant to Overview and Scrutiny Procedure Rule 10.

## **19.0 CALL-IN**

- 19.1 When a decision is proposed by the Cabinet or an individual Cabinet Member, notice of it shall be published, by electronic means (i.e. utilising the group mail scrutiny address on the Council's e-mail system). All non-Cabinet members, together with the Monitoring Officer and Director of Finance will be sent copies within the same timescale by the person responsible for proposing the decision.
- 19.2 The notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the proposed decision, unless any 2 members object and call it in. Where a member calls in a decision for scrutiny that member shall specify the reason or reasons for requesting consideration by the Overview and

Scrutiny Committee. A decision called-in for scrutiny will be referred to the Overview and Scrutiny Committee in the first instance save that, in exceptional circumstances and with the approval of the Chairman of the Overview and Scrutiny Committee, the decision may be referred to the Wellbeing Select Committee for consideration. The Monitoring Officer or the Director of Finance may also call-in a matter for scrutiny on the same terms as non-Cabinet members.

- 19.3 During the call-in period, the Corporate Director of Governance shall call in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in accordance with 19.2 above, and shall then notify the decision-maker of the call-in. The Corporate Director of Governance shall call a meeting of the Overview and Scrutiny Committee, on such date as he/she may determine, where possible after consultation with the chairman of the committee.
- 19.4 If, having considered the proposed decision, the Overview and Scrutiny Committee, or the Wellbeing Select Committee where a matter is referred to that committee, is still concerned about it, it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If referred back, the decision maker shall then reconsider the decision, amending it, abandoning it, or pursuing it. If having taken account of the Overview and Scrutiny Committee recommendations the decision maker decides to amend, abandon or pursue the decision it shall be notified to members in accordance with the procedures set out at paragraph 19.1 and 19.2 but the decision shall not be further subject to the call-in procedure.
- 19.5 If having been taken back for reconsideration by the decision making person or body, proposes a decision in accordance with the recommendation(s) of the Overview and Scrutiny Committee or the Wellbeing Select Committee where a matter is referred to that committee, then this decision shall be notified to members in accordance with the procedures set out at paragraph 19.1 and 19.2 but the decision shall not be further subject to the call-in procedure.
- 19.6 If having considered the proposed decision, the scrutiny committee does not refer the matter back to the decision making person or body for reconsideration, the decision shall take effect on the date of the Overview and Scrutiny Committee, or Wellbeing Select Committee.
- 19.7 If on referral back by the Wellbeing Select Committee the decision making person or body indicates they will not alter the proposed decision, the matter will be referred to the Overview and Scrutiny Committee for consideration. If having taken account of the Overview and Scrutiny Committee recommendations the decision maker decides to amend, abandon or pursue the decision shall be notified to members in accordance with the procedures set out at paragraph 19.1 and 19.2 but the decision shall not be further subject to the call-in procedure.
- 19.8 The call-in procedure shall not apply:

- where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the chairman, the Vice-Chairman's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Overview and Scrutiny Committee, together with the reasons for urgency.
- to decisions taken by the Cabinet Member for Welfare Services in accordance with a recommendation from the Housing Review Panel.

## **20.0 CABINET DECISIONS SUBMITTED FOR SCRUTINY**

20.1 The procedures at paragraphs 19.5 to 19.8 will be applied to all proposed decisions by the Cabinet or a member of the Cabinet considered by the Overview and Scrutiny Committee, or the Wellbeing Select Committee.

## **21.0 PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS**

21.1 The Overview and Scrutiny Committee shall consider the following business:

- (i) minutes of the last meeting;
- (ii) apologies
- (iii) declarations of interest;
- (iv) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
- (v) a Councillor Call for Action
- (vi) the business otherwise set out on the agenda for the meeting.

21.2 Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the committee, may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (i) the investigation will be conducted fairly and all members of the committee given the opportunity to ask questions of attendees and to contribute and speak;

- (ii) those assisting the committee by giving evidence be treated with respect and courtesy; and

that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

- 21.3 Paragraph 21.1 and 21.2 shall also apply to meetings of the Wellbeing Select Committee.
- 21.4 Following any investigation or review, the Overview and Scrutiny Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate.
- 21.5 Following an investigation or review the Wellbeing Select Committee shall prepare a report for the Overview and Scrutiny Committee which will consider the report for submission to the Cabinet/and or Council as appropriate.
- 21.6 Subject to Access to Information and Confidentiality rules, all reports and findings arising from investigations by the Overview and Scrutiny Committee or Wellbeing Select Committee shall be made public.

## **22.0 SCRUTINY COMMITTEE RECOMENDATIONS**

- 22.1 When at a meeting of the Overview and Scrutiny Committee or Wellbeing Select Committee a proposition is made, at the request of the proposer that reference to that proposition shall be included in the scrutiny section of the subsequent report to Council, such reference shall be so included in the relevant section of that report.

## **23.0 SCRUTINY REVIEWS**

- 23.1 The schedule of scrutiny reviews proposed shall be presented to the Overview and Scrutiny Committee for consideration at least annually; this shall include the reviews proposed to be undertaken by the Wellbeing Select Committee.
- 23.2 Upon commencement of a scrutiny review the scoping of the review and the proposed consultation exercise will be approved by the Overview and Scrutiny Committee or where appropriate, the Wellbeing Select Committee.
- 23.3 Progress against a scrutiny review improvement plan shall be reported to the Overview and Scrutiny Committee or where appropriate the Wellbeing Select Committee by the relevant Cabinet Member at least annually.
- 23.4 In the case of cross-cutting Scrutiny Reviews or a review of areas falling primarily outside Cabinet responsibilities, the Overview and Scrutiny Committee will determine whether to carry out the review itself or if appropriate to refer the matter to the Wellbeing Select Committee for investigation.





**PART 4 - SECTION 6**

**FINANCIAL PROCEDURE RULES**



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## **STATUS OF FINANCIAL PROCEDURE RULES**

- 1.1 Financial Procedure Rules provide the framework for managing the authority's financial affairs. They apply to every member and officer of the Council and anyone acting on its behalf.
- 1.2 They form an integral part of the regulations and procedures used within the Council and should not be considered in isolation to other parts of the Constitution, particularly Contract Procedure Rules and other financial policies and procedures.
- 1.3 The Procedure Rules identify the financial responsibilities of the Council, Cabinet and Scrutiny members, the Head of Paid Service, the Director of Finance and Monitoring Officer.
- 1.4 All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.
- 1.5 The Director of Finance is responsible for maintaining a continuous review of the Financial Procedure Rules and submitting any additions or changes necessary to the Council for approval. The Director of Finance is also responsible for reporting, where appropriate, breaches of the Financial Procedure Rules to the Council and/or to the Cabinet members.
- 1.6 The authority's detailed financial procedures, setting out how the Procedure Rules will be implemented, are contained in the appendices to the financial procedure rules.
- 1.7 Members of Corporate Leadership Team are responsible for ensuring that all staff in their service areas are aware of the existence and content of the authority's Financial Procedure Rules and other internal regulatory documents and that they comply with them.
- 1.8 The Director of Finance is responsible for issuing advice and guidance to underpin the Financial Procedure Rules that members, officers and others acting on behalf of the authority are required to follow.
- 1.9 Reference to Head of Paid Service, Monitoring Officer, Director of Finance, Members of Corporate Leadership Team, and Assistant Directors should be construed with reference to article 12 of this Constitution.
- 1.10 The Council's Corporate Leadership Team comprises the Chief Executive, the three Corporate Directors and the Director of Finance.

## **FINANCIAL REGULATION A: FINANCIAL MANAGEMENT**

### **INTRODUCTION**

- A.1 Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.
- A.2 The Council is responsible for adopting the authority's Constitution and members' code of conduct and for approving the policy framework and budget within which the Cabinet operates. It is responsible for approving and monitoring compliance with the authority's overall framework of accountability and control. The framework is set out in its Constitution. The Council is also responsible for monitoring compliance with the agreed policy and related Cabinet decisions.
- A.3 The Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the Council and its committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution.

### **THE CABINET**

- A.4 The Cabinet is responsible for proposing the policy framework and budget to the Council, and for discharging Cabinet functions in accordance with the policy framework and budget.
- A.5 Cabinet decisions can be delegated to an individual Cabinet member, an officer or a joint committee.
- A.6 The Cabinet is responsible for establishing protocols to ensure that individual Cabinet members consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

### **COMMITTEES OF THE COUNCIL**

- A.7 The Council has established the following committees:

- Overview and Scrutiny
- Planning
- Licensing and Regulatory
- Audit & Risk
- Standards and Resources
- Wellbeing Select Committee

- A.8 The functions of these Committees can be found at Part 3 of the Constitution.

### **THE STATUTORY OFFICERS**

#### **Head of Paid Service**

- A.9 The Head of Paid Service is responsible for the corporate and overall strategic management of the authority as a whole. He or she must report to and provide information for the Cabinet, the Council, the Overview and Scrutiny Committee and other committees. He or she is responsible for establishing a framework for

management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the Council's decisions.

### **Monitoring Officer**

- A.10 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the Standards and Resources committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Council and/or to the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- A.11 The Monitoring Officer must ensure that Cabinet decisions and the reasons for them are made public. He or she must also ensure that council members are aware of decisions made by the Cabinet.
- A.12 The Monitoring Officer is responsible for advising all councillors and officers about who has authority to take a particular decision.
- A.13 The Monitoring Officer is responsible for advising the Cabinet or Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the policy framework.
- A.14 The Monitoring Officer (together with the Director of Finance) is responsible for advising the Cabinet or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- initiating a new policy
  - committing expenditure in future years above the budget level
  - incurring inter-service transfers above virement limits
  - causing the total expenditure financed from Council Tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.
- A.15 The Monitoring Officer is responsible for maintaining an up-to-date Constitution.

### **Director of Finance**

- A.16 The Director of Finance has statutory duties in relation to the financial administration and stewardship of the authority. This statutory responsibility cannot be overridden. The statutory duties arise from:
- Section 151 of the Local Government Act 1972
  - The Local Government Finance Act 1988
  - The Local Government and Housing Act 1989
  - The Accounts and Audit Regulations 2011.
- A.17 The Director of Finance is responsible for:
- the proper administration of the authority's financial affairs
  - setting and monitoring compliance with financial management standards
  - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
  - providing financial information
  - preparing the revenue budget and Capital Programme
  - Treasury Management.

A.18 Section 114 of the Local Government Finance Act 1988 requires the Director of Finance to report to the Council, Cabinet and external auditor if the authority or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
- is about to make an unlawful entry in the authority's accounts.

A.19 Section 114 of the 1988 Act also requires:

- the Director of Finance to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally
- the authority to provide the Director of Finance with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under section 114.

### **MEMBERS OF THE CORPORATE LEADERSHIP TEAM**

A.20 Members of Corporate Leadership Team are responsible for ensuring that Cabinet members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Director of Finance.

A.21 It is the responsibility of members of Corporate Leadership Team to consult with the Director of Finance and seek approval on any matter liable to affect the authority's finances materially before any commitments are incurred.

### **OTHER FINANCIAL ACCOUNTABILITIES**

A.22 The Council is responsible for agreeing procedures for virement of expenditure between budget headings.

### **Accounting Policies**

A.23 The Director of Finance is responsible for selecting accounting policies and ensuring that they are applied consistently.

### **Accounting records and returns**

A.24 The Director of Finance is responsible for determining the accounting procedures and records for the authority.

### **The Annual Statement of Accounts**

A.25 The Director of Finance is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC). The Audit & Risk Committee is responsible for approving the annual Statement of Accounts.

## **FINANCIAL REGULATION B: FINANCIAL PLANNING**

### **INTRODUCTION**

B.1 The Council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:

- the Council Plan
- the Medium-Term Financial Strategy
- the Annual Budget
- the Capital Programme

### **POLICY FRAMEWORK**

B.2 The Council is responsible for approving the policy framework and budget. The policy framework comprises the following statutory plans and strategies:

- Council plan
- Capital Programme
- Treasury Management Policy Statement
- Plans and strategies which together comprise the Development Plan
- Local Development Framework
- Risk Management Strategy

B.3 The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the Council by the Monitoring Officer.

B.4 The Council is responsible for setting the level at which the Cabinet may vire budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

### **Preparation of the Council Plan**

B.5 The Chief Executive is responsible for proposing the Council Plan to the Cabinet for consideration before its submission to the Council for approval.

## **CABINET BUDGETING**

### **Budget Format**

B.6 The general format of the budget will be approved by the Council and proposed by the Cabinet on the advice of the Director of Finance. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds where necessary.

### **Budget Preparation**

B.7 The Director of Finance is responsible for ensuring that a revenue budget is prepared on an annual basis and a Medium-Term Financial Strategy on a rolling

five-yearly basis for consideration by the Cabinet, before submission to the Council. The Council may amend the budget or ask the Cabinet to reconsider it before approving it.

- B.8 It is the responsibility of members of Corporate Leadership Team to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Director of Finance.

### **Budget Monitoring and Control**

- B.9 The Director of Finance is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations and report to the Cabinet on the overall position on a regular basis.
- B.10 It is the responsibility of members of Corporate Leadership Team to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Director of Finance. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Director of Finance to any problems.

### **Resource Allocation**

- B.11 The Director of Finance is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's policy framework.

### **Preparation of the Capital Programme**

- B.12 The Director of Finance is responsible for ensuring that a Capital Programme is prepared on an annual basis for consideration by the Cabinet before submission to the Council.

### **Maintenance of Reserves**

- B.13 It is the responsibility of the Director of Finance to advise the Cabinet and/or the Council on prudent levels of reserves for the authority.

## **FINANCIAL REGULATION C: RISK MANAGEMENT AND CONTROL OF RESOURCES**

### **INTRODUCTION**

- C.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

### **RISK MANAGEMENT**

- C.2 The Audit & Risk Committee is responsible for approving the authority's Risk Management Strategy and for reviewing the effectiveness of Risk Management. The Director of Finance is responsible for ensuring that proper insurance exists where appropriate.
- C.3 The Director of Finance is responsible for preparing the authority's Risk Management Strategy, for promoting it throughout the authority and for advising the Cabinet on proper insurance cover where appropriate.

### **INTERNAL CONTROL**

- C.4 Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded.
- C.5 The Director of Finance is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.6 It is the responsibility of members of Corporate Leadership Team to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

### **AUDIT REQUIREMENTS**

- C.7 The Accounts and Audit Regulations 2015 issued by the Secretary of State for Communities and Local Government require every local authority to maintain an adequate and effective internal audit.
- C.8 The Public Sector Audit Appointments Ltd is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by part 5 of the Local Audit and Accountability Act 2014.



- C.9 The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HMRC, who have statutory rights of access.

### **PREVENTING FRAUD & CORRUPTION**

- C.10 The Monitoring Officer is responsible for the development and maintenance of an Anti-Fraud and Corruption Policy.

### **ASSETS**

- C.11 Members of Corporate Leadership Team should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

### **TREASURY MANAGEMENT**

- C.12 The authority has adopted CIPFA's Code of Practice for Treasury Management in Public Services.
- C.13 The Council is responsible for approving the Treasury Management Policy Statement setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in the Public Services. The policy statement is proposed to the Council by the Director of Finance. The Director of Finance has delegated responsibility for implementing and monitoring the statement.
- C.14 All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, the Director of Finance.
- C.15 The Director of Finance is responsible for reporting to the Audit & Risk Committee a proposed Treasury Management Strategy for the coming financial year at or before the start of each financial year.
- C.16 All Cabinet decisions on borrowing, investment or financing shall be delegated to the Director of Finance, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in the Public Services.
- C.17 The Director of Finance is responsible for reporting to the Audit & Risk Committee not less than three times in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

### **STAFFING**

- C.18 The Council is responsible for determining how officer support for Cabinet and non-Cabinet roles within the authority will be organised.

C.19 The Head of Paid Service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

## **FINANCIAL REGULATION D: SYSTEMS AND PROCEDURES**

### **INTRODUCTION**

- D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

### **GENERAL**

- D.2 The Director of Finance is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by members of the Corporate Leadership Team to the existing financial systems, or the establishment of new systems must be approved by the Director of Finance. However, members of the Corporate Leadership Team are responsible for the proper operation of financial processes in their own service areas.
- D.3 Any changes to agreed procedures by members of the Corporate Leadership Team to meet their own specific service needs should be agreed with the Director of Finance.
- D.4 Members of Corporate Leadership Team should ensure that their staff receive relevant financial training that has been approved by the Director of Finance.
- D.5 Members of the Corporate Leadership Team must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Members of the Corporate Leadership Team must ensure that staff are aware of their responsibilities under Freedom of Information legislation.

### **INCOME AND EXPENDITURE**

- D.6 It is the responsibility of members of the Corporate Leadership Team to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the member of the Corporate Leadership Team's behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their authority. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

### **PAYMENTS TO EMPLOYEES AND MEMBERS**

- D.7 The Director of Finance is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

### **TAXATION**

- D.8 The Director of Finance is responsible for advising members of Corporate Leadership Team, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

- D.9 The Director of Finance is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

**TRADING ACCOUNTS/BUSINESS UNITS**

- D.10 It is the responsibility of the Director of Finance to advise on the establishment and operation of trading accounts and business units.

## **FINANCIAL REGULATION E: EXTERNAL ARRANGEMENTS**

### **INTRODUCTION**

- E.1 The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

### **PARTNERSHIPS**

- E.2 The Cabinet is responsible for approving frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- E.3 The Cabinet can delegate its functions - including those relating to partnerships - to officers. The functions of the Cabinet, including a scheme of delegation, are approved by the Council and form Part 3 of this Constitution. Where functions are further delegated, the Cabinet remains accountable for them to the Council.
- E.4 The authority is represented on partnership and external bodies at member and officer levels as appropriate.
- E.5 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to administration in partnerships that apply throughout the authority.
- E.6 The Director of Finance must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.7 Members of Corporate Leadership Team are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

### **EXTERNAL FUNDING**

- E.8 The Director of Finance is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts.

### **WORK FOR THIRD PARTIES**

- E.9 The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies.

## **APPENDIX A FINANCIAL MANAGEMENT**

### **FINANCIAL MANAGEMENT STANDARDS**

#### **Why is this important?**

- 1.1 All staff and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

#### **Key Controls**

- 1.2 The key controls and control objectives for financial management standards are:
  - their promotion throughout the authority
  - a monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards that are reported to the Cabinet and Council.

#### **Responsibilities of the Director of Finance**

- 1.3 To ensure the proper administration of the financial affairs of the authority.
- 1.4 To monitor compliance against the CIPFA's Financial Management Code which sets out best practice financial management standards. Where appropriate, recommend actions necessary to meet these standards.
- 1.5 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff throughout the authority.
- 1.6 To advise on the key strategic controls necessary to secure sound financial management.
- 1.7 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

#### **Responsibilities of the Corporate Leadership Team**

- 1.8 To promote CIPFA's financial management standards in their service areas and to monitor adherence to the standards and practices, liaising as necessary with the Director of Finance.
- 1.9 To promote sound financial practices in relation to the standards, performance and development of staff in their service areas.

## **MANAGING EXPENDITURE**

### **SCHEME OF VIREMENT**

## Why is this important?

1.10 The scheme of virement is intended to enable Cabinet, members of Corporate Leadership Team, Assistant Directors and their employees to manage budgets with a degree of flexibility within the overall policy and budget framework determined by the Council, and therefore to optimise the use of resources.

## Key Controls

1.11 Controls in relation to virement rely on achieving a balance between appropriate governance and flexibility. It is recognised that Full Council approves the overall budget and must also approve any adjustments to this budget (supplementary estimates) or any re-alignment of priorities.

1.12 The Table below details the approvals necessary for Virements of different types:

Description of Virement	Prior Approval Required by (all of)	Notification Required to
Supplementary Estimate changing the total resources to be spent by the Council in year	Full Council	
Virement switching resources between Cabinet member responsibilities <b>above £25,000</b>	Relevant Cabinet Members Relevant Director/Assistant Directors Director of Finance	Full Council
Virement switching resources between Cabinet member responsibilities <b>below £25,000</b>	Relevant Director/Assistant Directors Director of Finance	Relevant Cabinet Members
Virement switching resources between Service Teams with the same Cabinet Member having responsibility	Relevant Director/Assistant Director Director of Finance	Relevant Cabinet Member
Virement switching resources between total employee costs and other subjective head either within or across Service Teams	Relevant Director/Assistant Directors Finance Team Manager	Relevant Cabinet Member(s)

Description of Virement	Prior Approval Required by (all of)	Notification Required to
Virement Switching resources between Cost Centres within a Service Team	Relevant Service Team Manager	Relevant Director/Assistant Director Finance Team Manager
Virement switching resources between subjective headings within a Cost Centre (excluding employees above)	Relevant Budget Holder	Relevant Service Team Manager Finance Team Manager

1.13 Any changes to the Capital Programme are agreed by the Director of Finance following discussion at the Capital Working Group. Any changes **above £25,000** will be approved by Cabinet as part of budget monitoring reporting. Cabinet will also be responsible for approving expenditure on contracts where the original contract value would be exceeded by 10% or more.

1.14 No virement relating to a specific financial year should be made after 31 March in that year.

## ACCOUNTING POLICIES

### Why is this important?

1.15 The Director of Finance is responsible for the preparation of the authority's Statement of Accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC), for each financial year ending 31 March.

### Key Controls

1.16 The key controls for accounting policies are:

- systems of internal control are in place that ensure that financial transactions are lawful
- suitable accounting policies are selected and applied consistently
- proper accounting records are maintained
- financial statements are prepared which present fairly the financial position of the authority and its expenditure and income.

### Responsibilities of the Director of Finance

1.17 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the Statement of Accounts, which is prepared at 31 March each year, and covers such items as:

- separate accounts for capital and revenue transactions
- the basis on which debtors and creditors at year end are included in the accounts



- details on substantial provisions and reserves
- fixed assets
- depreciation
- capital charges
- work in progress
- stocks and stores
- deferred charges
- accounting for value added tax
- government grants
- leasing
- pensions

### **Responsibilities of members of the Corporate Leadership Team**

1.18 To adhere to the accounting policies and guidelines approved by the Director of Finance.

### **ACCOUNTING RECORDS AND RETURNS**

#### **Why is this important?**

1.19 The authority has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resources.

#### **Key Controls**

1.20 The key controls for accounting records and returns are:

- all Cabinet Members, finance staff and budget managers operate within the required accounting standards and timetables
- all the authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis
- procedures are in place to enable accounting records to be reconstituted in the event of systems failure
- reconciliation procedures are carried out to ensure transactions are correctly recorded
- prime documents are retained in accordance with legislative and other requirements.

### **Responsibilities of the Director of Finance**

1.21 To determine the accounting procedures and records for the authority. Where these are maintained outside the finance service area, the Director of Finance should consult the member of the Corporate Leadership Team concerned.

- 1.22 To arrange for the compilation of all accounts and accounting records under their direction.
- 1.23 To comply with the following principles when allocating accounting duties:
- separating the duties of providing information about sums due to or from the authority and calculating, checking and recording these sums from the duty of collecting or disbursing them
  - employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- 1.24 To make proper arrangements for the audit of the authority's accounts in accordance with the Accounts and Audit Regulations 2015.
- 1.25 To ensure that all claims for funds including grants are made by the due date.
- 1.26 To prepare and publish the audited accounts of the authority for each financial year, in accordance with the statutory timetable.
- 1.27 To ensure the proper retention of financial documents in accordance with the requirements set out in the authority's document retention schedule.

#### **Responsibilities of members of the Corporate Leadership Team**

- 1.28 To consult and obtain the approval of the Director of Finance before making any changes to accounting records and procedures.
- 1.29 To comply with the policies referred to in paragraph 1.23 when allocating accounting duties.
- 1.30 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 1.31 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Director of Finance.

#### **THE ANNUAL STATEMENT OF ACCOUNTS**

##### **Why is this important?**

- 1.32 The authority has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The Audit & Risk Committee is responsible for approving the statutory annual Statement of Accounts.

##### **Key Controls**

- 1.33 The key controls for the annual statement of accounts are:
- the authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for

the administration of these affairs. In this authority, that officer is the Director of Finance

- the authority's Statement of Accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

### **Responsibilities of the Director of Finance**

- 1.34 To select suitable accounting policies and to apply them consistently.
- 1.35 To make judgments and estimates that are reasonable and prudent.
- 1.36 To comply with the Code of Practice on Local Authority Accounting in the United Kingdom.
- 1.37 To sign and date the Statement of Accounts, stating that it gives a true and fair view of the financial position of the authority at the accounting date and its income and expenditure for the year ended 31 March 20xx.
- 1.38 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

### **Responsibilities of members of the Corporate Leadership Team**

- 1.39 To comply with accounting guidance provided by the Director of Finance and to supply the Director of Finance with information when required.

## **APPENDIX B: FINANCIAL PLANNING**

### **PERFORMANCE PLANS**

#### **Why is this important?**

- 2.1 Each local authority has a statutory responsibility to publish various performance plans, crime reduction strategies, etc. The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement.

#### **Key Controls**

- 2.2 The key controls for performance plans are:
- to ensure that all relevant plans are produced and that they are consistent
  - to produce plans in accordance with statutory requirements
  - to meet the timetables set
  - to ensure that all performance information is accurate, complete and up to date
  - to provide improvement targets which are meaningful, realistic and challenging.

#### **Responsibilities of the Director of Finance**

- 2.3 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
- 2.4 To contribute to the development of corporate and service targets and objectives and performance information.

#### **Responsibilities of members of the Corporate Leadership Team**

- 2.5 To contribute to the development of performance plans in line with statutory requirements.
- 2.6 To contribute to the development of corporate and service targets and objectives and performance information.
- 2.7 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.
- 2.8 To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

## **BUDGETING**

### **FORMAT OF THE BUDGET**

#### **Why is this important?**

- 2.9 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

### **Key Controls**

2.10 The key controls for the budget format are:

- the format complies with all legal requirements
- the format complies with CIPFA's Service Reporting Code of Practice for Local Authorities
- the format reflects the accountabilities of service delivery

### **Responsibilities of the Director of Finance**

2.11 To advise the Cabinet on the format of the budget that is approved by the Council.

### **Responsibilities of members of the Corporate Leadership Team**

2.12 To comply with accounting guidance provided by the Director of Finance.

## **REVENUE BUDGET PREPARATION, MONITORING AND CONTROL**

### **Why is this important?**

2.13 Budget management ensures that once the budget has been approved by the Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism holds budget managers to account for their areas.

2.14 The authority operates within an annual cash limit, approved when setting the overall budget. To ensure that the authority in total does not overspend, each service is required to manage its own expenditure within the cash-limited budget allocated to it.

2.15 A budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the member of the Corporate Leadership Team.

### **Key Controls**

2.16 The key controls for managing and controlling the revenue budget are:

- budget managers should be responsible only for income and expenditure that they can influence
- there is a nominated budget manager for each cost centre heading
- budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities
- budget managers follow an approved certification process for all expenditure

- income and expenditure are properly recorded and accounted for
- performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budgets.

### **Responsibilities of the Director of Finance**

2.17 To establish an appropriate framework of budgetary management and control that ensures that:

- budget management is exercised within annual cash limits unless the Council agrees otherwise.
- each member of the Corporate Leadership Team has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities.
- expenditure is committed only against an approved budget head.
- all officers responsible for committing expenditure comply with relevant guidance, and the financial procedure rules.
- each cost centre has a single named manager, determined by the relevant member of the Corporate Leadership Team. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure.
- significant variances from approved budgets are investigated and reported by budget managers regularly.

2.18 To administer the authority's scheme of virement.

2.19 To submit reports to the Cabinet and to the Council, in consultation with the relevant member of the Corporate Leadership Team, where a member of the Corporate Leadership Team is unable to balance expenditure and resources within existing approved budgets under his or her control.

2.20 To prepare and submit reports on the authority's projected income and expenditure compared with the budget on a regular basis.

### **Responsibilities of members of the Corporate Leadership Team**

2.21 To maintain budgetary control within their service areas, in adherence to the principles in 2.17, and to ensure that all income and expenditure is properly recorded and accounted for.

2.22 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the member of the Corporate Leadership Team (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

2.23 To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

- 2.24 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- 2.25 To prepare and submit to the Cabinet reports on the service's projected expenditure compared with its budget, in consultation with the Director of Finance.
- 2.26 To ensure prior approval by the Council or Cabinet (as agreed by the members of Corporate Leadership Team) for new proposals, of whatever amount, that:
- create financial commitments in future years
  - change existing policies, initiate new policies or cease existing policies
  - materially extend or reduce the authority's services.
- 2.27 To ensure compliance with the scheme of virement.
- 2.28 To agree with the relevant other member of the Corporate Leadership Team where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or member of Corporate Leadership Team level of service activity.

## **BUDGETS AND MEDIUM-TERM FINANCIAL PLANNING**

### **Why is this important?**

- 2.29 The authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with priorities. The budget is the financial expression of the authority's plans and policies.
- 2.30 The revenue budget must be constructed to ensure that resource allocation properly reflects the service plans and priorities of the Council. Budgets are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.
- 2.31 Authorities should prepare a Medium-Term Financial Plan to cover a 3 to 5 year period. This ensures that the authority is able to prepare for events in advance.

### **Key Controls**

- 2.32 The key controls for budgets and medium-term planning are:
- specific budget approval for all expenditure
  - budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet
  - a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

### **Responsibilities of the Director of Finance**

- 2.33 To prepare and submit reports on budget prospects for the Cabinet, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.
- 2.34 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Council, and after consultation with the Cabinet and members of the Corporate Leadership Team.
- 2.35 To prepare and submit reports to the Cabinet on the aggregate spending plans of service areas and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.
- 2.36 To advise on the medium-term implications of spending decisions.
- 2.37 To encourage the best use of resources and value for money by working with members of the Corporate Leadership Team to identify opportunities to improve economy, efficiency and effectiveness.
- 2.38 To advise the Council on Cabinet proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

#### **Responsibilities of members of the Corporate Leadership Team**

- 2.39 To prepare estimates of income and expenditure, in consultation with the Director of Finance, to be submitted to the Cabinet.
- 2.40 To prepare budgets that are consistent with any relevant cash limits, with the authority's annual budget cycle and with guidelines issued by the Cabinet. The format should be prescribed by the Director of Finance in accordance with the Council's general directions.
- 2.41 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- 2.42 In consultation with the Director of Finance and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the appropriate committee. These should have regard to:
  - spending patterns and pressures revealed through the budget monitoring process
  - legal requirements
  - policy requirements as defined by the Council in the approved policy
  - framework initiatives already under way.

#### **RESOURCE ALLOCATION**

##### **Why is this important?**

- 2.43 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need. It is



therefore imperative that needs are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities.

### **Key Controls**

2.44 The key controls for resource allocation are:

- resources are acquired in accordance with the law and using an approved authorisation process
- resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for
- resources are securely held for use when required
- resources are used with the minimum level of waste, inefficiency or loss for other reasons.

### **Responsibilities of the Director of Finance**

2.45 To advise on methods available for the funding of resources, such as grants from central government and borrowing.

2.46 To assist in the allocation of resources to budget managers.

### **Responsibilities of members of the Corporate Leadership Team**

2.47 To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.

2.48 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

## **CAPITAL PROGRAMMES**

### **Why is this important?**

2.49 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

2.50 The Prudential Code places controls on the financing capacity of the authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

### **Key Controls**

2.51 The key controls for Capital Programmes are:

- specific approval by the Council for the programme of capital expenditure
- expenditure on capital schemes is subject to the approval of the Director of Finance

- a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the Cabinet
- proposals for improvements and alterations to buildings must be approved by the appropriate member of the Corporate Leadership Team
- the development and implementation of asset management plans
- accountability for each capital proposal is accepted by a named manager
- monitoring of progress in conjunction with expenditure and comparison with approved budget.

### **Responsibilities of the Director of Finance**

- 2.52 To prepare capital estimates jointly with members of the Corporate Leadership Team and to report them to the Cabinet for approval.
- 2.53 To prepare and submit quarterly reports to the Capital Working Group and Corporate Leadership Team on the projected scheme expenditure compared with the approved estimates.
- 2.54 To prepare and submit half yearly (Q1 and Q3) Finance and Capital Programme update reports to the Cabinet.
- 2.55 To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Director of Finance, having regard to government regulations and accounting requirements.
- 2.56 To obtain authorisation from the Cabinet for individual schemes where the estimated expenditure exceeds the Capital Programme provision by more than 10% of the original sum. This should be approved by the Capital Working Group before presentation to Cabinet.

### **Responsibilities of members of the Corporate Leadership Team**

- 2.57 To comply with guidance concerning capital schemes and controls issued by the Director of Finance.
- 2.58 To ensure that all capital proposals have undergone a financial appraisal using the model held by the Director of Finance.
- 2.59 To ensure that adequate records are maintained for all capital contracts.
- 2.60 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Director of Finance, where required.
- 2.61 To prepare and submit reports, jointly with the Director of Finance, to the Cabinet, of any variation in contract costs greater than the approved limits following approval at the Capital Working Group.

2.62 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Director of Finance and, if applicable, approval of the scheme through the Capital Programme.

## **MAINTENANCE OF RESERVES**

### **Why is this important?**

2.63 The local authority must decide the level of General Fund reserves it wishes to maintain before it can decide on the level of Council Tax. Reserves are maintained as a matter of prudence. They enable the authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

### **Key Controls**

2.64 The key controls for the maintenance of reserves are:

- Reserves should be maintained in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) and agreed accounting policies.
- For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- Expenditure from reserves must be authorised by the appropriate member of the Corporate Leadership Team or Assistant Director in consultation with the Director of Finance.

### **Responsibilities of the Director of Finance**

2.65 To advise the Cabinet and/or the Council on prudent levels of reserves for the authority, and to take account of the advice of the external auditor in this matter.

### **Responsibilities of members of the Corporate Leadership Team**

2.66 To ensure that resources are used only for the purposes for which they were intended.

## **APPENDIX C: RISK MANAGEMENT AND CONTROL OF RESOURCES**

### **RISK MANAGEMENT**

#### **Why is this important?**

- 3.1 Risk Management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation.
- 3.2 It is the overall responsibility of the Audit & Risk Committee to approve the authority's Risk Management Strategy, and to promote a culture of risk management awareness throughout the authority.

#### **Key Controls**

- 3.3 The key controls for risk management are:
  - procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the authority
  - a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis
  - managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives
  - provision is made for losses that might result from the risks that remain
  - procedures are in place to investigate claims within required timescales
  - acceptable levels of risk are determined and insured against where appropriate
  - the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

#### **Responsibilities of the Director of Finance**

- 3.4 To prepare and promote the authority's Risk Management Strategy.
- 3.5 To develop risk management controls in conjunction with other members of Corporate Leadership Team.
- 3.6 To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.
- 3.7 To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.

#### **Responsibilities of members of the Corporate Leadership Team**

- 3.8 To notify the Director of Finance immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the Director of Finance or the authority's insurers.
- 3.9 To take responsibility for Risk Management, having regard to advice from the Director of Finance and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- 3.10 To ensure that there are regular reviews of risk within their service areas.
- 3.11 To notify the Director of Finance promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- 3.12 To consult the Director of Finance and the Corporate Director of Governance on the terms of any indemnity that the authority is requested to give.
- 3.13 To ensure that employees, or anyone covered by the authority's insurances, do not admit liability, or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

## **INTERNAL CONTROLS**

### **Why is this important?**

- 3.14 The authority has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- 3.15 The authority faces a wide range of financial, administrative and commercial risks, which threaten the achievement of its objectives. Internal controls are also necessary to manage these risks.
- 3.16 The system of internal controls is established in order to provide measurable achievement of:
  - efficient and effective operations
  - reliable financial information and reporting
  - compliance with laws and regulations
  - Risk Management.

### **Key Controls**

- 3.17 The key controls and control objectives for internal control systems are:
  - internal controls should be reviewed on a regular basis and the authority should make a formal statement annually (the Annual Governance Statement) to the effect that it is satisfied that the systems of internal control are operating effectively
  - managerial control systems should be in place, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these

systems is to promote ownership of the control environment by defining roles and responsibilities

- financial and operational control systems and procedures should be confirmed as adequate, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems
- the Council should have an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the UK Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN) and with any other statutory obligations and regulations.

### **Responsibilities of the Director of Finance**

- 3.18 To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

### **Responsibilities of members of Corporate Leadership Team**

- 3.19 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness.
- 3.20 To review existing controls in the light of changes affecting the authority and to establish and implement new ones in line with guidance from the Director of Finance. Members of the Corporate Leadership Team should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- 3.21 To ensure staff have a clear understanding of the consequences of lack of internal control mechanisms.

## **AUDIT REQUIREMENTS**

### **Why is this important?**

- 3.22 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2015 (SI 2015/234), regulation 6, more specifically require that a “relevant body must undertake an adequate and effective internal audit of its accounting records and of its system of internal control”.
- 3.23 Accordingly, internal audit is an independent and objective appraisal function established by the authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

### **Key Controls**

- 3.24 The key controls for internal audit are:
- that it is independent in its planning and operation
  - the Head of Internal Audit (or equivalent) has direct access to the Head of Paid Service, Director of Finance, all levels of management and directly to elected members

- the internal auditors comply with the UK Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN).

### **Responsibilities of the Director of Finance**

- 3.25 To ensure that internal auditors have the authority to:
- access authority premises at reasonable times
  - access all assets, records, documents, correspondence and control systems
  - receive any information and explanation considered necessary concerning any matter under consideration
  - require any employee of the authority to account for cash, stores or any other authority asset under his or her control
  - access records belonging to third parties, such as contractors, when required
  - directly access the Head of Paid Service, the Cabinet and Audit & Risk Committee.
- 3.26 To review the strategic and annual audit plans prepared by the Head of Internal Audit (or equivalent), which take account of the characteristics and relative risks of the activities involved.

### **Responsibilities of members of the Corporate Leadership Team**

- 3.27 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- 3.28 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 3.29 To consider and respond promptly to recommendations in audit reports.
- 3.30 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 3.31 To notify the Director of Finance immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the member of the Corporate Leadership Team should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- 3.32 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Head of Internal Audit prior to implementation.
- 3.33 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

## **EXTERNAL AUDIT**

### **Why is this important?**

- 3.34 The Public Sector Audit Appointments Ltd (PSAA) is responsible for appointing external auditors to each local authority. The external auditor has rights of access to all documents and information necessary for audit purposes.

- 3.35 The basic duties of the external auditor are defined in the Local Audit and Accountability Act 2014.
- 3.36 The authority's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts gives a 'true and fair view' the financial position of the authority and its income and expenditure for the year in question and complies with the legal requirements.

### **Key Controls**

- 3.37 The key controls for external audit are:
- External auditors are appointed by the PSAA normally for a minimum period of five years. This ensures that the local authority is independent from the decision to appoint an external auditor.

### **Responsibilities of the Director of Finance**

- 3.38 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- 3.39 To ensure there is effective liaison between external and internal audit.
- 3.40 To work with the external auditor and advise the Council, Cabinet and members of the Corporate Leadership Team on their responsibilities in relation to external audit.

### **Responsibilities of members of Corporate Leadership Team**

- 3.41 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- 3.42 To ensure that all records and systems are up to date and available for inspection.

## **PREVENTING FRAUD AND CORRUPTION**

### **Why is this important?**

- 3.43 The authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the authority.
- 3.44 The authority expects that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices. It also expects that individuals and organisations that work with the Council (e.g. suppliers, contractors, service providers) will ensure that their practices do not allow fraud and corruption.

### **Key Controls**

- 3.45 The key controls regarding the prevention of fraud and corruption are that:
- the authority has an effective Anti-Fraud and Anti-Corruption Policy and maintains a culture that will not tolerate fraud or corruption
  - all members and staff act with integrity and lead by example
  - senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt
  - high standards of conduct are promoted amongst members by the Standards and Resources Committee



- the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded
- whistle blowing procedures are in place and operate effectively
- legislation including the Public Interest Disclosure Act 1998 is adhered to.

### **Responsibilities of the Director of Finance**

- 3.46 To maintain adequate and effective internal control arrangements.
- 3.47 To ensure that all suspected irregularities are reported to the chief internal auditor, the Head of Paid Service, the Cabinet and the Audit & Risk Committee.

### **Responsibilities of members of the Corporate Leadership Team**

- 3.48 To ensure that all suspected irregularities are reported to the Head of Internal Audit (or equivalent).
- 3.49 To instigate the authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- 3.50 To ensure that where financial impropriety is discovered, the Director of Finance is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- 3.51 To ensure that any interests are entered into the Council's register of interests.
- 3.52 To develop and maintain an Anti-Fraud and Corruption Policy, Whistleblowing Policy and Anti-Money Laundering Policy.

## **ASSETS**

### **SECURITY**

#### **Why is this important?**

- 3.53 It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is essential for proper fixed asset accounting and sound asset management.

#### **Key Controls**

- 3.54 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:
- resources are used only for the purposes of the authority and are properly accounted for
  - resources are available for use when required
  - resources no longer required are disposed of in accordance with the law and the procedure rules of the authority so as to maximise benefits
  - an asset register is maintained for the authority, assets are recorded when they are acquired by the authority and this record is updated as changes occur with respect to the location and condition of the asset
  - all staff are aware of their responsibilities with regard to safeguarding the authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation

- all staff are aware of their responsibilities with regard to safeguarding the security of the authority's computer systems, including maintaining restricted access to the information held on them and compliance with the authority's computer and internet security policies.

### **Responsibilities of the Director of Finance**

- 3.55 To ensure that an asset register is maintained in accordance with good practice for all fixed assets with a value in excess of £10,000 (equipment) and £25,000 (land and property). The function of the asset register is to provide the authority with information about fixed assets so that they are safeguarded, used efficiently and effectively and adequately maintained.
- 3.56 To receive the information about assets required for accounting, costing and financial records from each member of the Corporate Leadership Team.
- 3.57 To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

### **Responsibilities of members of the Corporate Leadership Team**

- 3.58 To ensure that lessees and other prospective occupiers of council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the member of the Corporate Leadership Team in consultation with the Director of Finance, has been established as appropriate.
- 3.59 To ensure the proper security of all buildings and other assets under their control.
- 3.60 Where land or buildings are surplus to requirements, a report should be presented to CLT and subsequently Asset Scrutiny Panel to gain approval for sale/disposal.
- 3.61 To pass title deeds to the appropriate officer who is responsible for custody of all title deeds.
- 3.62 To ensure that no authority asset is subject to personal use by an employee without proper authority.
- 3.63 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the authority.
- 3.64 To ensure that relevant service areas maintain a register/inventory of high value/moveable assets. Guidance should be sought from the Director of Finance regarding the values at which this is appropriate.
- 3.65 To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- 3.66 To consult the Director of Finance in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 3.67 To ensure cash holdings on premises are kept to a minimum.
- 3.68 To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Director of Finance, the Cabinet agrees otherwise.

- 3.69 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the authority in some way.
- 3.70 To carry out an annual check of all items on the inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the authority.
- 3.71 To make sure that property is only used in the course of the authority's business, unless the member of the Corporate Leadership Team concerned has given permission otherwise.

In relevant service areas:

- 3.72 To make arrangements for the care and custody of stocks and stores in the service area.
- 3.73 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All significant discrepancies should be investigated and pursued to a satisfactory conclusion.
- 3.74 To investigate and remove from the authority's records (i.e. write off) discrepancies as necessary, or to obtain Cabinet approval if they are in excess of a predetermined limit.
- 3.75 To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Director of Finance, the Cabinet decides otherwise in a particular case.

## **ASSET DISPOSAL**

### **Why is this important?**

- 3.76 Obsolete, non-repairable or unnecessary assets should be disposed of in accordance with the law and the procedure rules of the authority.

### **Key Controls**

- 3.77 The key controls regarding asset disposal are:
- assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the authority
  - best price is obtained, bearing in mind other factors, such as environmental issues.
  - for items of significant value, disposal should be by competitive tender or public auction.
  - procedures protect staff involved in the disposal from accusations of personal gain.

### **Responsibilities of the Director of Finance**

- 3.78 To provide guidance on best practice for disposal of assets on a case by case basis.

- 3.79 To ensure appropriate accounting entries are made to remove the value of disposed assets from the authority's records and to include the sale proceeds if appropriate.

### **Responsibilities of members of the Corporate Leadership Team**

- 3.80 To ensure that income received for the disposal of an asset is properly banked and coded.

## **TREASURY MANAGEMENT**

### **Why is this important?**

- 3.81 Treasury Management aims to ensure that the authority's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the authority's capital sum.

### **Key Controls**

- 3.82 The key controls around Treasury Management are:
- That the authority's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management and with the authority's Treasury Policy Statement.
  - That two members of Corporate Leadership Team (CLT) authorise investment and redemption transactions above £50k. This should be the S151 Officer or Deputy and another member of CLT.

### **Responsibilities of Director of Finance**

- 3.83 To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the authority's treasury management policy statement and strategy.
- 3.84 To report three times a year on treasury management activities to the Audit & Risk Committee.
- 3.85 To approve the opening or closing of any bank account.
- 3.86 To ensure that all investments of money are made in the name of the authority or in the name of nominees approved by the Council.
- 3.87 To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the custody of the appropriate member of the Corporate Leadership Team.
- 3.88 To effect all borrowings in the name of the authority.
- 3.89 To act as the authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the authority.
- 3.90 To ensure that no Teams within the authority hold imprest accounts in the form of cash. Payment by purchasing card is now the appropriate method of acquiring low value goods that do not require purchase orders to be raised. It can also be a method of acquiring services where payment is required ahead of delivery (can include for example conference/hotel bookings, train travel).

- 3.91 To ensure a list is maintained of all purchasing cards that have been issued to staff alongside their requisite limits, both in terms of value and permitted items that may be purchased.

### **Responsibilities of members of the Corporate Leadership Team**

- 3.92 To follow any guidance on banking and Treasury Management issued by the Director of Finance.
- 3.93 To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Council, following consultation with the Director of Finance.
- 3.94 To arrange for all trust funds to be held, wherever possible, in the name of the authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Director of Finance, unless the deed otherwise provides.
- 3.95 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Director of Finance, and to maintain written records of all transactions.
- 3.96 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.
- 3.97 To ensure that employees in possession of a purchasing card:
- Obtain and retain vouchers to support purchases made via purchasing card. Where possible, a VAT receipt shall be obtained to enable VAT monies to be properly reclaimed.
  - Make adequate arrangements for the safe custody of the purchasing card in their possession.
  - Receive monthly statements and complete their purchase log to reconcile to this statement. This will should be forwarded to the authorising manager on a monthly basis.
  - Surrender their card immediately on termination of employment or if transferred to another role that does not require a Purchasing Card.
  - Ensure that the Purchasing Card is never used to make purchases of a personal nature.

### **STAFFING**

#### **Why is this important?**

- 3.98 In order to provide the highest level of service, it is crucial that the authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

#### **Key Controls**

- 3.99 The key controls for staffing are:
- an appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched
  - procedures are in place for forecasting staffing requirements and cost
  - controls are implemented that ensure that staff time is used efficiently and to the benefit of the authority
  - checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.

### **Responsibilities of the Director of Finance**

- 3.100 To ensure that budget provision exists for all existing and new employees.
- 3.101 To act as an advisor to members of the Corporate Leadership Team on areas such as National Insurance and pension contributions, as appropriate.

**Responsibilities of members of the Corporate Leadership Team**

- 3.102 To produce an annual staffing budget in consultation with the Director of Finance.
- 3.103 To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- 3.104 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.
- 3.105 To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- 3.106 To ensure that the Assistant Director Organisation and People Development and the Director of Finance are immediately informed if the staffing budget is likely to be materially over or underspent.

## **APPENDIX D: FINANCIAL SYSTEMS & PROCEDURES**

### **GENERAL**

#### **Why is this important?**

- 4.1 Service areas have many systems and procedures relating to the control of the authority's assets, including purchasing, costing and management systems. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed, and errors detected promptly.
- 4.2 The Director of Finance has a professional responsibility to ensure that the authority's financial systems are sound and should therefore approve any new developments or changes.

#### **Key Controls**

- 4.3 The key controls for systems and procedures are:
  - data exists to enable the authority's objectives, targets, budgets and plans to be formulated
  - performance is communicated to the appropriate managers on an accurate, complete and timely basis
  - early warning is provided of deviations from target, plans and budgets that require management attention
  - operating systems and procedures are secure.

#### **Responsibilities of the Director of Finance**

- 4.4 To issue advice, guidance and procedures for officers and others acting on the authority's behalf.
- 4.5 To determine the accounting systems, form of accounts and supporting financial records.
- 4.6 To establish arrangements for audit of the authority's financial affairs.
- 4.7 To approve any new financial systems to be introduced.
- 4.8 To approve any changes to be made to existing financial systems.

#### **Responsibilities of members of the Corporate Leadership Team**

- 4.9 To ensure that accounting records are properly maintained and held securely.
- 4.10 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Director of Finance.
- 4.11 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- 4.12 To incorporate appropriate controls to ensure that, where relevant:

- all input is genuine, complete, accurate, timely and not previously processed
  - all processing is carried out in an accurate, complete and timely manner
  - output from the system is complete, accurate and timely.
- 4.13 To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 4.14 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 4.15 To ensure that systems are documented and staff trained in operations.
- 4.16 To consult with the Director of Finance before changing any existing system or introducing new systems.
- 4.17 To establish a scheme of delegation identifying officers authorised to act upon the member of the Corporate Leadership Team's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- 4.18 To supply lists of authorised officers, with specimen signatures and financial limits, to the Director of Finance, together with any subsequent variations.
- 4.19 To review the limits for approving purchase orders within the financial system on a regular basis. These are set out below:

<b>Role</b>	<b>Grade Level</b>	<b>Authorisation Limit</b>	<b>What can be Authorised</b>
CLT	CLT	No Limit	All Areas
Assistant Directors	JNC	£100,000	Service Area Only
Team Manager/Leader	K-N	£50,000	Service Area Only
Assistant Team Leaders/Manager	H-J	£10,000	Service Area Only
Other	F-G	£2,500	Service Area Only

- 4.20 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 4.21 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- 4.22 To ensure that relevant standards and guidelines for computer systems issued by the member of the Corporate Leadership Team are observed.



- 4.23 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 4.24 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- only software legally acquired and installed by the authority is used on its computers
  - staff are aware of legislative provisions
  - in developing systems, due regard is given to the issue of intellectual property rights.

## **INCOME AND EXPENDITURE**

### **INCOME**

#### **Why is this important?**

- 4.25 Cash and debtors can be vulnerable assets and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly.

#### **Key Controls**

- 4.26 The key controls for income are:
- All income due to the authority is identified and invoiced for correctly.
  - Income is collected from the correct person/ organisation in accordance with the agreed terms and conditions. The debt collection procedures detailed in the approved Debt Recovery Policy shall apply in the event of any arrears.
  - Wherever practical, Direct Debit shall be the preferred method for collection of periodic invoices. Exceptions (and the reasons for) shall be recorded.
  - Where the Council's services are procured by an outside organisation, a Purchase Order number shall be obtained from that organisation ahead of the service or goods being delivered. This Purchase Order will then be quoted on the subsequently raised invoice. Invoices that do not have a Purchase Order quoted will not be paid.
  - With the exception of buildings with regular cash collection arrangements (currently Leisure Centres and Baggeridge Country Park) all other Council Offices shall not transact for Council Services using cash unless this is a statutory requirement.
  - In the event that any unexpected cash balances are received in Council Offices then two officers shall be responsible for agreeing the value of the cash and securing it on the Council premises (in a lockable cupboard if no other secure location is available). Arrangements will then be made for the monies to be banked e.g. with a cash collection company. Under no circumstances will Council officers be expected to physically carry cash balances off premises to be banked.

- All appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule.
- Money collected and deposited is reconciled to the bank account by a person not involved in the collection or banking process.
- Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- Corporate Leadership Team will be informed on a quarterly basis of the total level of outstanding debt due to the authority alongside an aged analysis of this debt.

### **Responsibilities of the Director of Finance**

- 4.27 To agree arrangements for the collection of all income due to the authority and to approve the procedures, systems and documentation for its collection.
- 4.28 To oversee the write off of bad debts up to approved limits in each case as detailed below ensuring that in all cases there is a justified reason why correctly raised debts should not be pursued further:

Role	Level of Authority	
	From £	To £
Transactional Services Team Manager / Senior Accountant	0.01	250
Deputy S151 Officer	251	1,000
Finance Director (151 Officer)	1,001	5,000
Corporate Leadership Team and Leader of the Council	Over 5,001	

### **Responsibilities of the Corporate Leadership Team**

- 4.29 To maintain a Fees & Charges policy for the supply of goods or services and to review it regularly in line with corporate policies and in any case, annually as an integral part of the budget setting process in compiling the MTFS.
- 4.30 To recommend the Debt Recovery Policy to Audit and Risk Committee for approval.
- 4.31 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- 4.32 To issue official receipts or to maintain other documentation for income collection.
- 4.33 To hold securely receipts, tickets and other records of income for the appropriate period.
- 4.34 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- 4.35 To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details

should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.

- 4.36 To ensure income is not used to cash personal cheques or other payments.
- 4.37 To supply the Director of Finance with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Director of Finance to record correctly the sums due to the authority and to ensure accounts are sent out promptly. Members of the Corporate Leadership Team have a responsibility to assist the Director of Finance in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the authority's behalf.
- 4.38 To recommend to the Director of Finance all debts to be written off and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- 4.39 To obtain the approval of the Director of Finance when writing off debts in excess of the approved limit, and the approval of the appropriate member of the Cabinet where required.
- 4.40 To notify the Director of Finance of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Director of Finance and not later than 15 April.

## **ORDERING & PAYING FOR WORK, GOODS AND SERVICES**

### **Why is this important?**

- 4.41 Authorities have a statutory duty to achieve best value in part through economy and efficiency. The authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements. Regard shall be had to the Council's Contract Procedure Rules. These procedures should be read in conjunction with the authority's Contract Procedure Rules on tenders and contracts.
- 4.42 Every officer and member of the authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct.

### **Key Controls**

- 4.43 The key controls for ordering and paying for work, goods and services are:
- official orders must be in a form approved by the Director of Finance.

- official orders must be issued for all work, goods or services to be supplied to the authority, except for supplies of utilities, stationery ordered over the internet in line with the contract for such, purchases made in accordance with the purchasing card scheme, periodic payments such as rent or rates, or other exceptions specified by the Director of Finance.
- each order must conform to the guidelines approved by the Council on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Director of Finance.
- the normal method of payment from the authority shall be by BACS or CHAPS, drawn on the authority's bank account by the Director of Finance.
- official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts.
- all goods and services are ordered only by appropriate persons and are correctly recorded
- all goods and services shall be ordered in accordance with the authority's code of practice for tenders and contracts unless they are purchased from sources within the authority
- goods and services received are checked to ensure they are in accordance with the order. Goods should not be received by the person who placed the order
- payments are not made unless goods have been received by the authority to the correct price, quantity and quality standards
- all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method
- all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule
- all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected
- in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

#### **Responsibilities of the Director of Finance**

- 4.44 To approve the form of official orders and associated terms and conditions.
- 4.45 To make payments from the authority's funds on the member of the Corporate Leadership Team's authorisation that the expenditure has been duly incurred in accordance with financial procedure rules.
- 4.46 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- 4.47 To make payments to contractors on the certificate of the appropriate member of the Corporate Leadership Team, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.

4.48 To provide advice on making payments by the most economical means.

#### **Responsibilities of members of the Corporate Leadership Team**

4.49 To ensure that unique official orders are used for all goods and services, other than the exceptions specified in 4.41.

4.50 To ensure that orders are only used for goods and services provided to the service area. Individuals must not use official orders to obtain goods or services for their private use.

4.51 To ensure that only those staff authorised by him or her place orders and to maintain an up-to-date list of such authorised staff. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Value for money should always be achieved.

4.52 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.

4.53 To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:

- receipt of goods or services
- that the invoice has not previously been paid
- that expenditure has been properly incurred and is within budget provision
- that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices
- correct accounting treatment of tax
- that the invoice is correctly coded
- that discounts have been taken where available
- that appropriate entries will be made in accounting records.

4.54 To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who placed the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice.

4.55 To encourage suppliers of goods and services to receive payment by the most economical means for the authority, generally BACS. It is essential, however, that payments made by direct debit have the prior approval of the Director of Finance.

4.56 To utilise the central purchasing procedures established by the Director of Finance in putting purchases, where appropriate, out to competitive

quotation or tender. The Council's Contract Procedures Rules sets out the process for this.

- 4.57 To ensure that employees are aware of the national code of conduct for local government employees.
- 4.58 To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Director of Finance. This is to protect the authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- 4.59 To notify the Director of Finance of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Director of Finance and, in any case, not later than 15 April.
- 4.60 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Director of Finance the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- 4.61 To notify the Director of Finance immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- 4.62 To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.

## **PAYMENTS TO EMPLOYEES AND MEMBERS**

### **Why is this important?**

- 4.63 Staff costs are the largest item of expenditure for most authorities. It is therefore important that payments are accurate, timely, made only where they are due for services to the authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the Council.

### **Key Controls**

- 4.64 The key controls for payments to employees and members are:
  - proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
    - starters
    - leavers
    - variations

- enhancements
- frequent reconciliation of payroll expenditure against approved budget and bank account
- all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule
- that HM Revenue and Customs regulations are complied with

#### **Responsibilities of the Director of Finance**

- 4.65 To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.
- 4.66 To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- 4.67 To make arrangements for payment of all travel and subsistence claims.
- 4.68 To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- 4.69 To ensure that all salaries and wages are paid monthly by BACS which is the most economical means.
- 4.70 To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

#### **Responsibilities of members of the Corporate Leadership Team**

- 4.71 To ensure appointments are made in accordance with the procedure rules of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available
- 4.72 To notify the Director of Finance of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Director of Finance.
- 4.73 To ensure that adequate and effective systems and procedures are operated, so that:
- payments are only authorised to bona fide employees
  - payments are only made where there is a valid entitlement
  - conditions and contracts of employment are correctly applied
  - employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 4.74 To ensure that payroll transactions are processed only through the payroll system. Members of the Corporate Leadership Team should consider the employment status of individuals employed on a self-employed consultant or subcontract basis. The HM Revenue and Customs applies a strict definition for

employee status, and in cases of doubt, advice should be sought from the Assistant Director – Organisation and People Development.

- 4.75 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Director of Finance is informed where appropriate.
- 4.76 To ensure that the Director of Finance is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- 4.77 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

### **Responsibilities of members**

- 4.78 To submit claims for members' travel and subsistence allowances on a monthly basis.

## **TAXATION**

### **Why is this important?**

- 4.79 The authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax can be significant.

### **Key Controls**

- 4.80 The key controls for taxation are:
- budget managers are provided with relevant information and kept up to date on tax issues
  - budget managers are instructed on required record keeping
  - all taxable transactions are identified, properly carried out and accounted for within stipulated timescales
  - returns are made to the appropriate authorities within the stipulated timescale.

### **Responsibilities of the Director of Finance**

- 4.81 To complete all HM Revenue and Customs returns regarding PAYE.
- 4.82 To complete a monthly return of VAT inputs and outputs to HM Revenue and Customs.
- 4.83 To provide details to the HM Revenue and Customs regarding the Construction Industry Tax Deduction Scheme.



### **Responsibilities of the members of the Corporate Leadership Team**

- 4.84 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations.
- 4.85 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- 4.86 To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

## **APPENDIX E – EXTERNAL ARRANGEMENTS**

### **PARTNERSHIPS**

#### **Why is this important?**

- 5.1 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities regularly work in partnership with others – public agencies, private companies, community groups and voluntary organisations. Their key role is to bring together the contributions of the various stakeholders.
- 5.2 Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations.
- 5.3 The main reasons for entering into a partnership are:
- the desire to find new ways to share risk
  - the ability to access new resources
  - to provide new and better ways of delivering services
  - to forge new relationships.
- 5.4 A partner is defined as either:
- an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project or
  - a body whose nature or status give it a right or obligation to support the project.
- 5.5 Partners participate in projects by:
- acting as a project deliverer or sponsor, solely or in concert with others
  - acting as a project funder or part funder
  - being the beneficiary group of the activity undertaken in a project.
- 5.6 Partners have common responsibilities:
- to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation
  - to act in good faith at all times and in the best interests of the partnership's aims and objectives
  - be open about any conflict of interests that might arise
  - to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors
  - to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature
  - to act wherever possible as ambassadors for the project.

## **Key Controls**

5.7 The key controls for partnership arrangements are:

- if appropriate, to ensure partners are aware of their responsibilities under the authority's financial and contract procedure rules
- to ensure that risk management processes are in place to identify and assess all known risks
- to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise
- to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences
- to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

## **Responsibilities of the Director of Finance**

5.8 To advise on effective controls that will ensure that resources are not wasted.

5.9 To advise on the key elements of funding a project. They include:

- a scheme appraisal for financial viability in both the current and future years
- risk appraisal and management
- resourcing, including taxation issues
- audit, security and control requirements
- carry-forward arrangements.

5.10 To ensure that the accounting arrangements are satisfactory.

## **Responsibilities of members of the Corporate Leadership Team**

5.11 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Director of Finance.

5.12 To ensure that, before entering into agreements with external bodies, a project appraisal has been prepared for the Director of Finance.

5.13 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the authority.

5.14 To ensure that all agreements and arrangements are properly documented.

5.15 To provide appropriate information to the Director of Finance to enable a note to be entered into the authority's statement of accounts concerning material items.

## **EXTERNAL FUNDING**

- 5.16 External funding is an important source of income, but funding conditions need to be carefully considered to ensure that they are achievable and compatible with the aims and objectives of the authority.

### **Key Controls**

- 5.17 The key controls for external funding are:

- to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the Council as accountable body are clearly understood
- to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Council
- to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

### **Responsibilities of the Director of Finance**

- 5.18 To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.
- 5.19 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 5.20 To ensure that audit requirements are met.

### **Responsibilities of members of the Corporate Leadership Team**

- 5.21 To ensure that the Director of Finance is consulted before any funding bids are submitted.
- 5.22 To ensure that all claims for funds are made by the due date.
- 5.23 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

### **WORK FOR THIRD PARTIES**

#### **Why is this important?**

- 5.24 Current legislation enables the authority to provide a range of services to other bodies. Such work may enable a service area to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work are minimised and that such work is in line with regulations.

### **Key Controls**

- 5.25 The key controls for working with third parties are:

- to ensure that proposals are costed properly in accordance with guidance provided by the Director of Finance
- to ensure that contracts are drawn up using guidance provided by the Monitoring Officer and that the formal approvals process is adhered to

### **Responsibilities of Director of Finance**

5.26 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

### **Responsibilities of members of the Corporate Leadership Team**

5.27 To ensure that the approval of the Cabinet is obtained before any negotiations are concluded to work for third parties.

5.28 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Director of Finance.

5.29 To ensure that appropriate insurance arrangements are made.

5.30 To ensure that the authority is not put at risk from any bad debts.

5.31 To make every effort to ensure that no contract is subsidised by the authority.

5.32 To ensure that, wherever possible, payment is received in advance of the delivery of the service.

5.33 To ensure that the service area/unit has the appropriate expertise to undertake the contract.

5.34 To ensure that such contracts do not impact adversely upon the services provided for the authority.

5.35 To ensure that all contracts are properly documented.

5.36 To provide appropriate information to the Director of Finance to enable a note to be entered into the statement of accounts.



**PART 4 - SECTION 7**

**CONTRACT PROCEDURE RULES**

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## Definitions

**Central Purchasing Body** is a Contracting Authority in its own right that concludes pre-procured contracts for Works, Supplies or Services and allows access to these contracts by the wider public sector.

**Crown Commercial Services** is an executive agency and trading fund of the Cabinet Office of the UK Government. The CCS is responsible for improving government commercial and procurement activity and bringing together policy, advice and direct buying; providing commercial Services to the public sector and saving money for the taxpayer

**Competitive dialogue procedure** is used when the Council cannot provide a precise Specification and where there is scope to negotiate about what Services companies can provide. The purpose of this procedure is to negotiate on the Specification of the project and not on the price.

**Concession Contract** is a Contract between a provider and the Council that gives the company the right to operate (and profit from) a specific business within the Council's jurisdiction, subject to certain conditions.

**Concession Contracts Regulations** came into force on 18th April 2016 for the regulation of certain service and Works concession contracts (see Procurement Values) where consideration given to the provider is that the provider is permitted to exploit the Works or Services that are the subject of the contract (together with payment if desired).

**Consortium** means an association of several business organisations who are legally bound together to work towards a commonly held aim.

**Constitution** is the Council's document that contains the rules and procedures for making decisions and managing the Council's business.

**Contract** is, for the purposes of these CPRs, any agreement (whether in writing or not) between the Council and one or more other parties in respect of the acquisition or sale of Works, Supplies or Services for payment or otherwise. Throughout these CPRs, also read 'Contract' in context of a framework agreement.

**Contracting Authority** is a defined term in the Public Contracts Regulations 2015 which means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law and includes central government authorities.

**Contracts Finder** is the Government's online procurement portal for both providers and Contracting Authorities. For the former it presents new procurement opportunities; for the latter it is the mandatory portal to advertise their new opportunities and contract award information.

**Contracts Register** is the list of Contracts, held by the Council, and entered into by the Council over a value of £500.

**Council** means South Staffordshire District Council the legal title of the Council.



**CPRs** are the Contract Procedure Rules These CPRs are part of the Council's Constitution and are the procedural rules for any procurement carried out for the Council.

**Default Notice** is used by the Council to provide written notice that a provider is in breach of contract.

**Electronic procurement** means procurement using the internet, including online e-auctions and buying portals on the internet. The Council can take advantage of reduced minimum time periods when the Council arranges its contracts under the PCR 2015 regime and sends its documents electronically. Officers can get advice and guidance on this from a procurement advisor.

**Extended Leadership Team member** is the collective term when referring to one of the following Council leadership roles, Chief Executive; Corporate Director; Director; Assistant Director.

**Find a Tender Service (FTS)** is the Government portal for publishing all public sector tender opportunities which have Contract spends over the Government Thresholds.

**Framework Agreement** means an agreement or other arrangement which sets the terms (in particular the price and, where appropriate, quality) under which the provider will enter into one or more contracts or a series of contracts with the Council. This may also be referred to as a continuous contract or a standing offer.

**Government Thresholds** are the contract (spend) triggers that will apply to public procurement exercises run under the Public Contracts Regulations, and the Concession Contracts Regulations.

**Invitation to Tender** is a tender document which invites providers to bid for the provision of Works, Supplies or Services to the Council.

**Key Influencer** is an Officer within a procurement project who, by virtue of their normal duties in that project, could influence the choice of provider.

**Legal Advisor** is an Officer allocated by the Corporate Director of Governance (Monitoring Officer)

**Light Touch Regime** Contracts for health, social, prison, postal, certain legal Services and other community Services, which effectively replaced the previous Part B Services in historic Public Contracts Regulations.

**Lowest tender in price terms** for accepting a tender means either the lowest cost or, if the evaluation is not just based on price, the most economically advantageous tender score after an evaluation.

**MEAT** is the most economically advantageous tender which is a contract awarded using a blend of both price and quality criteria.

**Monitoring Officer** as detailed in the Council's Constitution, a designated Officer of the Council with the unique role to ensure that the Council, its Officers and Elected Councillors maintain the highest standards in all they do.

**Offer and Acceptance** is the process of awarding a Contract which is usually conducted without signature.

**Officer** is any employee of the Council.

**Open procedure** This means an advert will be placed in the Find A Tender Service (FTS) and relevant press and trade journals. The tender will be open to anyone who shows an interest.

**Pre-Qualification** is the stage used to assess providers for inclusion in the shortlist of providers who will be invited to submit a final tender. It specifically evaluates the suitability of potential providers in relation to their technical knowledge and experience, capability and financial and economic standing.

**Procurement / Purchasing Card/ 'pCard'** is an efficient means of ordering and paying using a bespoke credit card issued by the Council.

**Procurement Advisor** is the strategic team of Officers in the Council qualified to advise on such matters

**Procurement Lead** is a person under the Council's scheme of delegation for procurement, or been granted authority by the Council, to undertake the buying of goods, work and/or services on behalf of the Council.

**Procurement Tool Kit** is a particular Procurement Instruction which outlines the processes and considerations involved in compiling a quotation and tender for Low, Intermediate and High contract spends.

**Procurement Values** the Council's agreed procurement processes outlined at various Contract value spend triggers/thresholds.

**PCR 2015** means Public Contracts Regulations which came into force on 26th February 2015 and directly implement the 2014 EU Public Sector Procurement Directive and any successor, enabling or amending legislation together with some UK reforms aimed to make public procurement more accessible to small businesses.

**Public Organisation** includes any organisation which may award a public contract under the PCR 2015.

**Public Services contract** is one under which the Council employ another party to provide Services.

**Public Works contract** is a contract to buy Supplies (not land or the product of an activity); or hire Supplies, whether or not the Council install them. Public Works contract is a contract for carrying out work under which the Council employ another party to do the work.

**Quotation** is a request for price and any other relevant matter without the formal issue of a public tender, for Contract spends less than the Council Advertising Threshold.

**Restricted** procedure means an advert will be placed in the Find a Tender Service (FTS), and the relevant press and trade journals. Organisations which express an interest will have to fill in a supplier selection questionnaire (SQ). The Council will evaluate the SQs and produce a shortlist of suitable organisations which the Council will then invite to tender.

**Sealing** is placing the Council's seal on the contract documents to effect execution of the contract documents. The Council's seal is like the signature of the Council. Affixing the seal demonstrates approval of the content of contract documents. The seal can only be used following a resolution of the Council. The Monitoring Officer/Legal Officer advises when it is appropriate to seal contract documents.

**Section 151 Officer** as detailed in the Council's Constitution, a designated Officer of the Council with the statutory responsibility for finance matters.

**Services** in their purest form, are not Supplies or Works, although they may form part of these. Services are all encompassing and include all actions, both tangible and intangible.

**Signing** a contract includes arrangements for formally accepting a tender, if this is covered in the CPRs.

**Specification** is the descriptive document(s) as prepared by the Council Officer, detailing the requirements required from the provider in delivering the Works, Supplies or Services.

**Standstill period** is the period of time between the Council giving notice of the Council's plan to award the contract and the confirmation of the award of the contract which is needed under the PCR 2015. This gives unsuccessful companies the chance to ask for a debriefing and to challenge an award of a contract.

**Sourcing Strategy** is the written justification of the options considered, dismissed and ultimately decided upon when implementing a specific procurement process.

**Subsidy Control** is the new system regulating State Aid.

**Supplies** are stock items or amounts, usually tangible, of something supplied or available for use.

**Supply** includes buying, leasing, hiring or renting Supplies or Services or arranging any form of credit for them (this can also include when the Council do not pay anything for those Supplies or Services).

**Tender** is a provider's tender response to the Invitation to Tender.

**Tendering** means a formal procedure for getting written offers (tenders) for supply.

**Terms and Conditions** means the Council's standard templates or model sets of legal terms and conditions (as may be amended from time to time) and/or any industry-standard forms of contract documents and securities.

**Third sector** means non-governmental organisations that are driven by value and which mainly reinvest any profit to further social, environmental or cultural aims. The sector includes voluntary and community organisations, charities, social enterprises, faith groups, housing associations and co-operatives and mutuals.

**Transparency Code** means the Local Government Transparency Code, issued in 2015, which mandates the Council to publish various spend data, and in particular specific procurement-related information.

**Value for money** is not the lowest price but the best combination of whole-life costs and quality to meet users' needs. Officers should always assess value for money over the whole life of the contract and Officers should consider all costs and benefits to society as a whole including the environmental and social benefits and costs, not just those directly relevant to us.

**Variant Bid** is a tender which technically meets the Specification but delivers the solution by a different means from that specifically requested by the Contracting Authority in the Tender.

**Works** is the subject matter of a Contract which is ordinarily property construction and civil engineering-related. A list of defined Works categories is shown in Schedule 2 of the Public Contracts Regulations. The Council may also treat 'Works' as an agreement where a developer constructs a building on their own land (according to Council needs) and then transfers the land and structure to the Council at a later date. Refer these projects to a Legal Advisor or Procurement Advisor in the first instance as soon as possible.

## Procurement Values

Options available for the tendering process

Type of contract	Threshold Value	Procurement route
<b>Low-value contracts</b>	Up to £1,000	<p>A framework agreement if there is one, unless the relevant Extended Leadership Team Member decides otherwise.</p> <p>One or more written quotations invited.</p> <p>Contract on the providers own terms/the Council Templates.</p> <p>Option to pay via Procurement Card.</p>
<b>Intermediate-value contracts</b>	Over £1,000 and up to £30,000	<p>A framework agreement, if there is one, unless the relevant Extended Leadership Team member decides otherwise.</p> <p>Three written quotations invited.</p> <p>If no framework option, decide whether a bespoke contract is needed.</p> <p>Contract on Council model Terms and Conditions or Templates where possible; contract on provider's terms and conditions where there is a business need and any associated risks have been considered.</p> <p>Seek early legal and procurement advice where appropriate.</p>
<b>High-value contracts</b>	Over £30,000 and up to Government Thresholds	<p>Publicly advertised procurement.</p> <p>Consult a Procurement Advisor for procurement advice, and to manage the procurement via electronic tendering.</p> <p>Seek early legal advice where required.</p> <p>Establish a Sourcing Strategy for the Procurement.</p> <p>A framework agreement if there is one, unless the Section 151 Officer decides otherwise.</p>

		<p>Advertised on the Government’s Contracts Finder Website.</p> <p>If no framework option, formal tender process – decide whether a bespoke contract is needed.</p> <p>Use Council Templates/model Terms and Conditions.</p> <p>Use the Council’s self-service Procurement Tool Kit to support the procurement process.</p>
<p>Public Contracts Regulations 2015 contracts</p> <p>Light Touch Regime contracts</p> <p>Concession Contracts Regulations contracts</p>	<p><b><u>Government Thresholds</u></b></p> <p>Supplies and Services over £214,904*</p> <p>Works over £5,372,609*</p> <p>Light Touch Regime contracts over £663,540*</p> <p>£5,372,609*</p> <p>*refreshed every 2 years from January 2024</p>	<p>The VAT position for any contract approaching these thresholds must be considered – seek procurement advice prior to starting a procurement process for contracts valued over £150,000 exclusive of VAT.</p> <p>Special rules apply – seek guidance from the Section 151 Officer.</p> <p>Seek early legal and procurement advice as soon as possible and consult a Procurement Advisor on <u>all</u> procurements over these thresholds.</p> <p>Use Council Templates/model Contract Terms and Conditions / Industry standards.</p>

Note: all contract values need to include 20% VAT when comparing to Threshold Values

## **A Introduction**

- A1 These Contract Procedure Rules (CPRs) are part of the Council's Constitution and are the procedural rules for procurements for the Council. There are circumstances where these CPRs do not apply (see A6 Exemptions). In addition, the Council's relevant Financial Regulations must also be met.
- A2 The Council explain the difference between Supplies, Works and Services (Services) in the Definitions contained at the start of these CPRs.
- A3 The CPRs apply to any contract that results in the Council making a payment and contracts where Services are being provided for the Council which results in some income being generated for the Council.
- A4 The CPRs also apply if the Council are acting as the lead organisation in partnership or other joint arrangement.
- A5 The CPRs do not cover grants which the Council may receive or make (unless the grant is part of a contract for Services) – see section B.
- A6 Exemptions are where CPRs do not apply to:
- buying items or Services from within the Council;
  - contracts of employment;
  - Contract for Barristers/Solicitors to represent and/or advise the Council;
  - Contracts for specialist HR consultancy and training services (not including high value contracts);
  - contracts relating to interest in land (also known as property);
  - contracts for treasury management purposes “or in the course of treasury management activities”;
  - contracts relating to selling or otherwise disposing of our assets;
  - Grants which the Council may receive or make (unless the grant is part of a Contract for Services or mandates that these Rules are to be followed).
- A7 If you are in any doubt about whether the CPRs apply, you must always check with any guidance issued by the Director of Finance.
- A8 The Council's 'best value duty' is very important. It means that the Council must always consider how each procurement or contract meets the Council's duty to secure continuous improvement in what the Council does after taking account of economy, efficiency, effectiveness and outcomes. **As a result, the**

**Council need to question whether the Council should be buying anything at all and, if the Council does, whether the Council can buy it best ourselves or jointly, or if the Council should rely on someone else to get better value.**

- A9 Legislation on procurement requires that the Council must allow, and be seen to be allowing, freedom of opportunity to trade and to be open and clear about how the Council do things.
- A10 If the Council fails in this duty, a provider may make a complaint against the Council which could result in them claiming damages and even suspension of the contract.
- A11 The most important principles are being clear, open, transparent and providing fair competition. Whenever the Council are buying Services for the Council, the Council must always act to promote competition and to achieve value for money. However, the Council must also ensure that the Council try and be innovative in the ways in which the Council procure Services.
- A12 The CPRs have four main aims:
- keep to the obligations that govern spending public money, such as the Public Contracts Regulations 2015;
  - get best value in the way the Council spend money, so that the Council may in turn offer better and more cost-effective Services to the public;
  - help decisions to be made by the right people at the right level in the council; and
  - to provide transparency and protect Officers following the CPRs.
- A13 When an Officer is procuring for the Council, the Officer must consider the importance and effect of the Council's Policies on any procurement process and outcome.
- A14 With regard to below Public Contracts Regulations contracts these CPRs may be suspended (Waivered) in accordance with section U.
- A15 The CPRs are **automatically complied with** if the Council is entering into a framework agreement negotiated by another public organisation, or the Council is procuring jointly with one or more public organisations following the procurement processes of another public organisation, or any of the other situations covered in section U.
- A16 These CPRs apply to all contracts for Services for the Council or which the Council provide Services (other than those stated above) or the Officer has a valid Waiver under sections U.
- A17 Officers throughout the procurement must consider all other Council policies which could apply to the procurement project, e.g. The Council Plan, the



Council's Financial Regulations, Business Plans, Delivery Plans, etc. and legislative requirements such as (but not limited to) social value and equalities.

- A18 **These CPRs must be followed by Officers and breach of them is potentially a matter for disciplinary action.**

**B Grants & Contracts**

**Key Differences between Grants & Contracts**

- B1 Contracts – the essential elements of a contract are that there is a mutual bargain with consideration paid. A contract contains reciprocal obligations and the payment may be subject to VAT, depending on the service being supplied. Generally, all contracts are subject to PCR 2015 to some degree whereas a grant is not.
- B2 Grants - the grant funder is subsidising a Service it considers necessary, but which the grant recipient does not otherwise have the resources to deliver on a self-sustaining basis.

The essential elements of a grant are that the funds must be freely given, and the donor receives nothing in return. Unless the grant agreement is a Deed, there is no obligation to pay and a grant is also outside the scope of VAT.

- B3 The “grey area” between Grants and Contracts - restricted grants and contracts for Services can sometimes operate in a similar way.

For example, a local authority could give a grant to a childcare organisation to enable it to provide a certain number of subsidised places. Alternatively, the local authority could contract with the childcare organisation to purchase a certain number of childcare places on behalf of service users. To avoid any doubt, it is important to make it clear whether the arrangement is a grant or a contract and that the drafting does not include any ambiguous language.

- B4. Appropriate Agreement - once it has been decided whether the payment is a grant or for contracted Services, careful drafting of the Agreement is important.

For example, invoices are raised under a contract, but a grant is usually ‘claimed’ or ‘drawn down’. “Clawback” provisions are used in the drafting of a Grant Agreement to enable funders to reclaim funding if the terms of a grant are not complied with.

With a contract, there should be no mention of clawback as the funder’s remedy for any breach is to sue for damages. If in any doubt Officers should seek the guidance of the Section 151 Officer and Officers will be provided with an appropriate Agreement.

- B5. Officers shall comply with the Subsidy Controls requirements and the key principles and follow the BEIS Guidance. In particular, Officers need to record and set out grants in Council policy documents.

## **C Preparation**

### **Conflicts of Interests and Declarations of Interest**

- C1 If an Officer is involved in the procurement process or managing contracts, the Officer must declare any actual, potential or perceived possible conflict of interest to the Officers manager and the Monitoring Officer. Conflict of interest occurs when in the execution of official duties as Officers of the Council Officers may find themselves in a position to be influenced or appear to be influenced by a private or personal interest that could lead to trying to gain a personal advantage or to avoid a personal disadvantage. The golden rule is, if in doubt; declare it.
- C2 Every Officer who takes any decision or has any influence about a contract must comply with the Council's Code of Conduct for Employees.
- C3 Every Officer who has a financial interest/Key Influencer in a procurement or contract must contact the Monitoring Officer forthwith in writing. The Monitoring Officer under Section 117 of the Local Government Act 1972 will maintain a record of all Declarations of Interest.
- C4 Any Officer **must** inform the Monitoring Officer if the Officer dealing with a contract for the Council has been offered a gift or hospitality. The Officer can get more advice and guidance on the Core (the Councils intranet) in relation to Gifts and hospitality.

### **The Competitive Process**

- C5 Legislation states that the Council **must** always make sure that the Council is offering the opportunity to provide Services to the whole market to make sure there is fair competition.
- C6 If the contract is a High Value (in other words, with a value of more than £30,000), the Officer **must** follow the section on High Value procurements.
- C7 The value of a contract means the estimated total value over the length of time it will apply, including any extension options (**not the yearly value**), before VAT.
- If the contract is for buying a single item, which is not related to buying other items, the contract is worth the price, or estimated price, referred to in that contract.
  - If the contract is for buying a related group of items, the contract is worth the total price, or estimated total price, of the group.
  - An Officer should not split contracts to avoid the values (Disaggregation), either by item or length

### **Who can procure Services?**

- C8 Extended Leadership Team members should make sure that any buying is carried out by a Procurement Lead who can prove they have the skills and knowledge appropriate for buying the Services. .
- C9 Each Extended Leadership Team member **must** make sure that the Council does not go over the limits in the Scheme of Delegation.
- C10 Before starting a procurement process, the Procurement Lead should cover the following points in their Council Sourcing Strategy: -
- **Do the Council need to spend the money?** Is there a clear business need, supported by appropriate evidence and a budget in place?
  - **What is important to the council in this procurement?** Do you just need the Services? Or are there other things you want to bring about (for example, improved environmental performance, new jobs) or added social value. It is important that the Council consider whether the Council can obtain social value through the contract that is improving the social, environmental or economic wellbeing of our area (by virtue of the Public Services (Social Value) Act 2012. This allows those procuring to achieve broader aims but **must** consider any guidance issued by the Director of Finance
  - **Can you procure what you need with another council or public authority?** If an Officer considers that the Council could save money or achieve other advantages if the Council procured with someone else, consider whether there is an existing framework arrangement or contract you can use. This framework or contract could be one already set up by another council or joint-purchasing organisation or run centrally by the Government (such as the Government Procurement Service).
  - **Can the Council use a purchasing consortium?** Is there some kind of recognised purchasing group in place (often referred to as a buying consortium) where the Council can use the purchasing arrangements to buy Supplies or Services? If there is a group in place, Officers do not have to keep to these CPRs. However, the Council can only procure the Supplies or Services that are covered by the group arrangements. Officers should seek advice from Legal/Procurement advisors prior to any joining of the arrangements. In particular, with regard to the scope of the tendering documentation and the provisions of the entire contract documentation relating to the arrangement.

#### **Employment Issues with TUPE (Transfer of Undertaking Protection of Employment Regulations) and Pension Arrangements**

- C11 Entering into new contractual arrangements or changing existing contractual arrangements can give rise to TUPE implications. It is not always obvious that there are TUPE implications (for example, when a contract with another supplier comes to an end and is to be put out to tender again). So, **if in any**

**doubt**, the Procurement Lead **must get the** advice of Human Resources to make sure that any relevant TUPE arrangements are in place.

- C12 Where it has been decided that Services should be bought from an external source, the Council **must** consider the effects this may have on the existing in-house team and the possibility of staff transferring to the new provider under TUPE.
- C13 These contracts **must** contain appropriate wording to ensure that the Council's position is protected.
- C14 TUPE situations will almost always give rise to pensions arrangements. The Council's Human Resources, Legal and Pension's advisors should be consulted at the earliest opportunity.

### **Governance**

- C15 For contracts above the Public Contracts/Concessions Regulations Threshold an Extended Leadership Team Member must get further relevant approval from the relevant Cabinet Member before a contract is to be awarded. Evidence of this approval must be retained by the Extended Leadership Team member.
- C16 The Extended Leadership Team Member **must** consider if Cabinet Members should be involved in decisions during the tender process on contracts above the Public Contracts/Concessions Regulations thresholds, for example by deciding on the conditions for awarding the contract.

### **Collaborative Procurement**

- C17 Where the Council takes the lead procurement role in a Collaborative Procurement, these CPRs will apply to each procurement process carried out under the collaborative arrangement.
- C18 Where another public sector organisation takes the lead procurement role, its contract standing orders, or equivalent, will apply.
- C19 Where the Council enters into formal joint buying or consortia purchasing arrangements, the related Contract and procurement strategy must protect the Council to a level proportionate to the risk involved, whilst at the same time providing the basis for a partnering approach and delivery of best value / value for money.
- C20 A Procurement Advisor must be consulted prior to agreeing to enter into collaborative procurements.

### **Other**

- C21 An Extended Leadership Team Member will not, without approval from the Section 151 Officer, enter into a contract for supplying Services under any operating lease, hire, rental or any other credit arrangements.

- C22 Extended Leadership Team members must make sure all contracts are completed and stored and related procurement records and reports are kept, so they can be inspected, for a minimum period of 6 years up to a period as outlined in the corporate records retention arrangements. This includes Waivers to these Rules and using any delegated powers.
- C23 Any Consultant who is responsible to the Council for satisfying contract and procurement procedures must comply with the Council's CPRs.
- C24 Any Consultant must ensure that any conflicts of interest are managed and appropriately recorded.

#### **D Specification Requirements**

- D1 The Procurement Lead **must** clearly and carefully specify the Services to be supplied in writing, the agreed programme for delivery and the terms for payment together with all other terms and conditions. The Procurement Lead also needs to make sure that the Council will have the funds in the budget to pay for them.
- D2 When identifying and defining the need, the Procurement Lead should make sure they have involved a wider range of organisations relevant to the Supplies, Works or Services to be supplied. By knowing the market and encouraging a wider supply base, you have more chance to find the right providers and achieve the right Services at the right price.

#### **E Sourcing Strategy**

- E1 For all High Value contracts and those valued above the Public Contracts / Concessions Regulations threshold a formal Sourcing Strategy will be required. For other values the process for procurement will be recorded in writing locally by the Procurement Lead.
- E2 The Procurement Lead **must** decide on the strategy for buying the Services which must be approved prior to commencing any procurement process.
- E3 For all High Value contracts and those valued above the Public Contracts / Concessions Regulations threshold, approval of the proposed Sourcing Strategy is required by the Section 151 Officer.
- E4 For all Low and Intermediate contracts the decision and options for the procurement must be recorded locally by the Procurement Lead.
- E5 The Procurement Lead **must** consider options for delivering Services. The options below are in the specific order: -
- Not buying the Supplies, having the Works done or receiving the Services at all;
  - By securing the provision of the Works, Supplies or Services in-house;

- Via co-operative working under Local Government Regulations to provide the ongoing Works, Supplies or Services (e.g. using the voluntary sector or via another Local Authority);
  - By providing the Works, Supplies or Services via an existing Council Framework Agreement, Dynamic Purchasing System, Contract or similar arrangement;
  - By providing the Works, Supplies or Services from an already pre-procured Framework Agreement or Dynamic Purchasing System or Contract provided by an external public sector body or from a Central Purchasing Body;
  - By outsourcing/buying the provision of the Works, Supplies or Services through collaborative procurement with another local authority/partner, to/from an external provider on the open market by establishing a cooperative arrangement;
  - By outsourcing/buying (via quotes or tenders) the Works, Supplies or Services to/from an external provider on the open market by establishing a bespoke Council Contract.
- E6 For High Value procurements, where the particular needs justify another procurement route from E5, written approval from the relevant Director, Section 151 Officer will be required.
- E7 It is important that Officers appraise the risk, value, provider activity, market pressures and all internal and external influencing forces associated with their procurement. Value may not always be proportional to risk. Consult a Procurement Advisor if in any doubt.
- E8 Early-on in the process it is important to agree whether a procurement project is considered as a Council Cabinet Key Decision, and therefore appropriate timely action sought where it does meet the criteria.
- E9 Whenever Officers buy Works, Supplies or Services for the Council, they must always act to promote competition and to achieve value for money.

## **F How the Council Buy What the Council Need**

### **Framework agreements (e.g. from Crown Commercial Services, ESPO, YPO etc)**

- F1 Framework Agreements are agreements that allow Officers to place orders with selected providers on pre-agreed terms.

### **Joining another Contracting Authority's Existing Framework Agreement**

- F2 Where the Council seeks to join an existing Framework Agreement then a due diligence exercise should be undertaken to ensure that the Framework Agreement was properly procured in accordance with the relevant legislation and ensure that the Council can access the Framework Agreement under the terms it was originally advertised with.

- F3 A Procurement Advisor must be consulted before buying from a Framework Agreement that has been procured by another Contracting Authority.
- F4 Officers are required to follow the instructions issued by the 3rd party Contracting Authority when procuring from this type of Framework Agreement. In doing so, Officers will be required to use different legal terms etc. There is no requirement to log any Waivers to these CPRs as a result of this. However, these CPRs are to be used where the price/quality evaluation criteria have not been expressly stated / left open.

#### **Setting-up a Framework Agreement**

- F5 If Officers decide that they (or their partners) are likely to need to buy the Works, Supplies or Services repetitively in the future but are unsure of exact quantities, it may be that the best way to buy them is by initially setting up a Council Framework Agreement.
- F6 Should a Framework Agreement need to be procured consult a Procurement Advisor. Refer to the Procurement Tool Kit for a description of a Framework Agreement.
- F7 Prior to using a third-party framework seek advice from the Council's Procurement Advisors.

#### **The Procurement Toolkit**

- F8 The Procurement Tool Kit is an agreed set of standard documentation which is to be used for the preparation of a procurement for all Contract spends below those of the Public Contracts / Concessions Regulations Thresholds.
- F9 It is mandatory to use the Procurement Tool Kit for Council procurements. Any exception from this must be agreed in advance by the Section 151 Officer.
- F10 The standard documents that comprise the Procurement Tool Kit are to be tailored where indicated only. Officers must seek a Procurement Advisor's agreement regarding any other changes to the documents.

#### **Contracts Finder / Advertising**

- F11 Public adverts and award notices must be issued on the Government's Contracts Finder website for all tenders which are High Value and above Public Contracts / Concessions Regulations Thresholds
- F12 It is a requirement of these CPRs that any High Value contracts and contracts above the Public Contracts / Concessions Regulations Thresholds are advertised on the Council's Website, unless a Corporate Director agrees otherwise.

### **High-Value Contracts**

- F13 For High value contracts the Procurement Lead shall use the Procurement Toolkit suite of documents to perform a tender to the full public market. This process will also require the use of Contracts Finder.

### **Intermediate-Value Contracts**

- F14 For Intermediate Value contracts, the Procurement Lead **must** seek at least three written quotations or complete a tendering process before a Purchase Order is issued.
- F15 The quotations must contain the Council's standard and/or industry terms and conditions of contract, agreed pricing and Specification.

### **Low-Value Contracts**

- F16 For Low Value contracts, at least one quote must be obtained before the Services can be purchased.

### **Electronic Procurement and Emailed Quotations**

- F17 For High Value contracts or above the Council mandates the use of an electronic procurement (or e-procurement) system. Refer to a Procurement Advisor.

### **G The Public Contracts Regulations 2015**

- G1 Contact the Council's Procurement Advisors and the Council's Legal Advisers when inviting tenders for contracts over the Public Contracts / Concessions Regulations Thresholds.
- G2 The use of any clause within the Public Contracts Regulations must be approved at an early stage by a Legal Adviser and a Procurement Adviser, e.g. Regulations 12, 32 and 72.

### **H Disaggregation of Spend**

- H1 **Never** deliberately split down the value of contracts.
- H2 Wherever possible, the Council should make purchases in the form of a single large contract rather than a series of smaller contracts.
- H3 Always add together the value of the separate contracts of the same type over a short period to decide whether the value of the contract falls within the limits.

### **I Sustainable Procurement (Ethical, Social & Environmental Value)**

#### **Ethical Procurement**



- I1 Consideration must be given to modern day slavery and equal opportunities as a minimum when conducting procurement process and managing any contract.

### **Social Value**

- I2 Now under the Public Services (Social Value) Act 2012 the following must be considered: -

- How what is proposed to be procured could seek to improve the economic, social and environmental well-being of the area.
- How the Council may, through the procurement process, seek to secure improvements economically, socially and environmentally.
- Whether any consultation with the local community is necessary to establish how the contract being procured may improve the economic, social and environmental well-being of the area.

### **Environmental Value**

- I3 Environmental value focuses on the sustainable environmental considerations of a procurement. Please refer to the relevant Council policies.

## **J Contract and Tender Documents**

- J1 The Procurement Lead shall ensure that every procurement is carried out using the appropriate Contract and Tender documents.

- J2 Unless agreed with the Section 151 Officer every **invitation to tender must** include as a minimum:

- the nature, purpose, start date and period of the contract;
- the detailed Specification prepared by the Procurement Lead and quantities of Services to be supplied or carried out;
- the times at, or within which, and the places at which the Services are to be supplied or performed;
- a copy of the Conditions of Contract which the successful provides will have to keep to;
- information on TUPE and pension arrangements where applicable;
- the evaluation criteria (with weightings) for awarding the contract;
- a statement that the Council do not have to accept the lowest or any tender;

- the closing time and date.

## **K Tender and Quotation Process**

K1 The Procurement Lead shall comply with the established Tender Process which includes issuing the Tender Specification, Terms and Conditions of the Contract, any applicable securities, quality questionnaire, pricing and evaluation criteria.

## **L Receiving and Opening Submissions**

L1 Supplier Selection Questionnaires (SQs) are only applicable for procurements above the Public Contracts Threshold for Supplies/Services. Where a SQ is required, contact a Procurement Advisor.

L2 All provider tender responses must be stored securely by the Procurement Lead to ensure compliance with GDPR and commercial confidentiality.

L3 The Council will not accept a late tender submission but reserves the right to clarify responses with suppliers in accordance with good procurement practice and statutory provisions/guidance.

L4 For Low value and Intermediate value contracts, quotations shall be requested and received by the Council email system.

L5 Electronic quotations must:

- be received by a Council email address; and
- have a date/ time of submission communicated to the recipients.

L6 All High Value and Public Contracts/Concessions Regulations contracts must be conducted via the Council's nominated electronic tendering system. All systems must, as a minimum, conform to the requirements stated in the Public Contracts Regulations. Approval is required from a Procurement Advisor to use an alternative electronic tendering system.

L7 Unless otherwise agreed by a Procurement Advisor, all electronic tendering for High Value contracts will be performed by a Procurement Advisor who will manage the posting of the tender documents and notices and manage the resulting clarifications. Officers shall prepare their tender in accordance with these Rules and the Procurement Tool Kit.

L8 Unless otherwise agreed by a Procurement Advisor, all electronic tendering for Public Contracts/Concessions Regulations contracts will be performed by a Procurement Advisor.

## **M Evaluating Submissions**

M1 Low and Intermediate value contracts will have its evaluation based on 100% of the quotation price.

- M2 The Procurement Lead with the approval of an Extended Leadership Team Member will consider whether the Low and Intermediate contracts require the evaluation criteria to be based on the Most Economically Advantageous Tender (MEAT).
- M3 For High Value contracts, the contract shall be awarded as detailed in the Sourcing Strategy and identifying the MEAT.
- M4 Evaluation involves scoring tenders fairly by appropriate Officers as detailed in the Tender Documentation and advice from the Procurement Advisors.

## **N Awarding Contracts**

- N1 The Procurement Lead **must** record in writing the results of the tender-evaluation process and the decision to award a contract.
- N2 For Low value contract awards Officers must obtain the approval from the appropriate Team Manager or Officers with the appropriate delegated authority under the Council's scheme of delegation for procurement before they can formally be awarded.
- N3 For Intermediate value contract awards Officers must obtain the approval from the appropriate Team Manager before they can formally be awarded.
- N4 For High value contract awards Officers must obtain the approval from an Extended Leadership Team Member and the relevant Cabinet Member before they can formally be awarded.
- N5 For Public Contracts/Concessions Regulations contract awards Officers must obtain the approval from a Director/Corporate Director and the relevant Cabinet Member before they can formally be awarded.
- N6 All contracts awarded above the Low-Value Contracts threshold must be recorded on the Council's Contract Register (via the Council's Intranet).
- N7 The Council cannot accept any tender unless, where required, the Council have carried out a financial check in line with our supplier financial appraisal strategy (Annex 1).
- N8 The Procurement Lead must keep all tender-related documents in line with the Council's retention policies on keeping documents and to satisfy audit requirements.

## **O Insurance**

- O1 Insurance conditions will be contained in the conditions of contract. In terms of insurance, the following types and minimum limits of cover will be expected: These figures can be varied by agreement of the Council's Section 151 Officer (the Officer with responsibility for finance matters)

	<b>Works Contracts</b>	<b>Supplies and Services Contracts</b>
Public Liability	£5 million	£5 million
Employers Liability	£5 million	£5 million
Professional Indemnity	£2 million	£2 million

Q2 The above limits relate to each and every claim. For public liability and employers' liability, the cover must be in place throughout the period covered by the contract.

**P Contract Award Notices**

P1 Officers must ensure that a Contract Award Notice is issued by a Procurement Advisor on the Contracts Finder portal for High Value and Public Contracts/Concessions Regulations contracts.

P2 Procurement Advisors will ensure that specific PCR contract award notices are placed on Find a Tender Service (FTS) for Public Contracts/Concessions Regulations contracts.

**Q Completion and Storing Contracts**

Q1 There must be written evidence of every contract. All contracts must be in a model form or Template agreed with the appropriate Legal Adviser. All contracts shall be stored in a format allowing easy access.

Q2 For all contracts, except Low Value Contracts, the Council's model Terms, and Conditions and/or industry standards should prevail. Advice from the Council's Legal Advisers must be sought where the Council's model Terms and Conditions cannot be used.

Q3 The Council's Monitoring Officer **must** ensure a record or list of all model sets of conditions of contract that gives details of when the conditions were last updated, who is responsible for updating them, any changes and contact references is kept.

Q4 Unless otherwise directed by a Legal Adviser, all Low Value contracts may be agreed under Offer & Acceptance.

Q5 Unless otherwise directed by a Legal Adviser, all Intermediate Value contracts to be signed under hand.

Q6 Unless otherwise directed by a Legal Adviser, all High Value contracts to be sealed in accordance with the Resolution of the Council as provided by the Officer.

Q7 All contracts signed following a Public Contracts Regulations procedure shall be sealed unless the Monitoring Officer or delegated officer directs otherwise.

Q8 Sealing a contract allows the Council to potentially bring a claim for up to 12 years. For all Sealing, Legal advice must be sought from the Council's Legal Advisers.

Q9 All Framework Agreements procured must be sealed.

## **R Contracts Register**

R1 A Contracts Register will be held by the Council which provides a central point for Contract information for Contracts in excess of Low Value Contracts.

R2 The Contracts Register provides full visibility of existing and future Contracts and is also a legal record of data as requested by the Transparency Code.

R3 The Contracts Register will retain details of expired contracts, subject to appropriate data retention rules, and a Forward Plan of proposed new procurements and potential future contracts.

R4 Every Contract awarded by the Council that has a total aggregated value in excess of Low Value Contracts will be recorded in the Council Contracts Register.

R5 It is the responsibility of the Procurement Lead (and whoever is managing the contract) to ensure that the Contracts Register is populated and updated on an ongoing basis as a result of any change in the Contract.

## **S Transferring Contracts**

S1 In appropriate circumstances the Council may agree to transfer a contract, by novation or assignment. The Procurement Lead must ask for early advice on how to transfer a contract from the Council's Legal Advisers and provide an appropriate approval in accordance with Awarding Contracts (Section N), before any contract is transferred.

## **T Contract Variation, Extension and Termination**

T1 Depending on any statutory restrictions and the need to keep to these CPRs, in accordance with Awarding Contracts (Section N) an Extended Leadership Team Member may authorise the: -

- ending of a Contract early; or
- extending a Contract in line with its Terms and Conditions; or
- materially varying a Contract; or
- serving a default notice

## **U Waiver from the Contract Procedure Rules**

- U1      Waivers are where these CPRs, in whole or in part, are not followed as presented, unless otherwise indicated. The Council may grant a Waiver under conditions set out below. The Council cannot grant a Waiver if to do so would mean breaking any laws on public procurement or other relevant legislation.
- U2      All applications for Waivers will need to be detailed using the Council's online Waiver Form found on the Council's intranet. Waivers submitted in formats, other than online, will only be accepted with the agreement of the Monitoring Officer.
- U2      Any Works, Supplies or Services Contract or process declared to be Waivered from these CPRs must be authorised, in writing, as follows: -
- by a Procurement Advisor;
  - by the Monitoring Officer;
  - by the Section 151 Officer.
- U3      The Director of Finance will keep a Register of all Waivers to these CPRs.
- U4      **Not used**
- U5      It is the responsibility of the Requesting Officer of the Waiver to ensure that it is reviewed and remains valid. The Requesting Officer is to seek further approvals where necessary.
- U6      The Council may grant a Waiver in the following circumstances: -
- If there is an unexpected emergency involving danger to life or health or serious damage to property, if the Services are needed more urgently than would be possible if the Council followed the tender or quotation procedure.
  - If, for technical reasons, the Services can be bought from only one provider and this can be justified.
  - If the proposed contract is an extension or change to the scope of an existing contract with a value (including the change or extension) that is below the relevant Public Contracts/Concessions Regulations thresholds. However, this does not apply if the existing contract provides for an extension. Seek Procurement and Legal advice prior to completing the Waiver.
  - If the Council can achieve value for money by not buying through an alternative procurement route.
  - Issuing only one or two quotations where three are required adjusting the level of insurances when seeking SME providers.

**V      Monitoring or Managing the Contract**

- V1 The contract must be properly monitored and checked to ensure that the contract is being properly performed and that the Council continues to obtain value for money. It is the Team Managers responsibility to ensure that this happens.
- V2 Contract monitoring and management arrangements agreed during the procurement process will be determined by the complexity and risk associated with the Contract and conditions in the relevant market. Such arrangements must take account of both financial and quality aspects.

## **Annex 1**

### **Supplier financial appraisal Strategy**

#### **Aim**

The aim of the supplier financial appraisal Strategy is to reduce as far as possible the effect of a business failure on the most vulnerable in the community.

#### **Principles**

The Strategy is based on:

- the need to help the Council make the right decision for all main critical contracts;
- promoting competition when buying Supplies, Works, Services and utilities;
- choosing the most suitable suppliers of Supplies, Works, Services and utilities based on a set of financial and market measures;
- the need to take account of the level of risk associated with the supply, service or supplier; and
- the ongoing assessment of the supplier's financial strength.

#### **The main responsibilities**

While the final decision to reject an applicant for financial reasons rests with the Director of Finance the emphasis will be based on a partnership approach.

Internal Audit will monitor how the Council follow this Strategy through their planned procurement audit assignments.

#### **Method**

The following method applies for all contracts awarded using a tendering procedure or Waiver.

For Low and Intermediate value contracts you do not need to carry out a financial appraisal before awarding a contract.

For High value contracts the Extended Leadership Team Member, the relevant Corporate Director and the Director of Finance will decide whether a financial appraisal is needed, before the contract is awarded.

For all PCR 2015 / Government Threshold contracts, a financial appraisal is required.

The basic assessment involves four questions as shown below.

- Is the type of supply or service being bought 'routinely' rather than as a one-off purchase?
- Is the supply or service readily available from a number of other suppliers?
- Can the supply or service be easily substituted?
- Are contract payments only made once the Council have received the supply or service?

If you answer no to any of the four questions, you will normally carry out a financial appraisal using the same process and a choice of those factors (1 to 8) shown below.

The Procurement Lead, Team Manager and a representative from the Finance team will decide on the need to carry out a financial appraisal for each year of the contract.

For all tendering exercises **over the Public Contract/Concessions Regulations threshold** the Council will carry out detailed financial appraisals.

### **Pre-contract award**

Factors to be discussed

- 1 The Council will take account of output from financial checks carried out using the financial assessors such as, but not limited to, Dunn & Bradstreet and Experian (based on those accounts lodged with Companies House).
- 2 The Council will analyse the latest set of accounts (if not lodged with Companies House).
- 3 The Council may assess any appropriate securities available as early as possible, e.g. bonds.
- 4 The Council will carry out financial checks on the parent company (if there is one)
- 5 The Council will analyse the contract value when compared to:



- the recommended total yearly contract value;
  - the market standard of no more than 25% of turnover; and
  - the current total spending with the tender applicant.
- 6 In terms of the nature of the contract, the Council will look at:
- the type of supply or service (for example, regular or one-off);
  - the extent of competition within the market (for example, how easy to source the contract); and
  - the payment terms (for example, payment in advance or payment once the Supplies or Services are received).
- 7 The Council will also look at information from suppliers gathered through current arrangements for managing portfolios or from other sources.
- 8 The Council will check the movement in share prices (if this applies).
- 9 For sole traders and partnerships, the Council need to change certain factors. For example, the Council will replace factors 1 and 2 with the requirement for tender applicants to fill in a financial assessment in a format set by the Director of Finance. This will show certain information on trading accounts for the last three years. The assessment will automatically work out the average liquidity score.

Following on from the above, the Council will assess whether to reject the tender for financial reasons. Before the Council reject it, the Council will consider the need to get (where appropriate) a banker's reference or parent company guarantee. The Council will record and keep the result of this assessment (including the reasons behind it).

### **Post-contract award**

In assessing the ongoing financial strength of suppliers, the Council will repeat the above process for each year of the contract within one month of the anniversary of the contract award date. This will help the Council manage contracts effectively.

For Contracts valued at/between £100,000 and £500,000 – the financial appraisal will be conducted once as part of the procurement process (prior to Contract award) and repeated, as a minimum, every 2 years

For Contracts valued over £500,000 – the financial appraisal will be conducted once as part of the procurement process (prior to Contract award) and repeated, as a minimum, each year



## PART 4 - SECTION 8

### EMPLOYMENT PROCEDURE RULES

## **SECTION 8 – EMPLOYMENT PROCEDURE RULES**

### **1. Recruitment and appointment**

The Assistant Director Organisation and People Development has the responsibility for advice and guidance concerning the application of the Council's Recruitment and Selection Policy, which is available via the Council's website [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk)

#### **1.1.1 Declarations**

1.1.1.1 The Assistant Director Organisation and People Development will require a candidate for any appointment to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew, or niece of an existing councillor or officer of the Council or of the partner of such persons. This requirement will be included in any appropriate recruitment literature.

1.1.1.2 No candidate so related to a councillor or officer will be appointed without the written consent of the Assistant Director except where that post-holder is the employee to whom the candidate has declared such a relationship in which case the appropriate member of the Corporate Leadership Team (CLT) will approve any proposed offer of employment in writing.

#### **1.1.2 Seeking support for appointment.**

1.1.2.1 The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor or any employee of the Council for that appointment with the Council. The content of this paragraph will be included in any recruitment information.

1.1.2.2 No councillor or employee of the Council will seek support for any person for any appointment with the Council. This rule shall not preclude any member or employee of the Council from giving a written testimonial of any candidate's ability, experience, or character for consideration in conjunction with an individual application, but, having given such a testimonial, that member or employee shall take no part in the short listing or interview process.

### **1.2 Recruitment of Chief Executive (Head of Paid Service)(Chief Officer)**

Where the Council proposes to appoint a Head of Paid Service or Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

1.2.1 draw up a statement specifying:

1.2.1.1 the duties of the post concerned; and

1.2.1.2 any qualifications or qualities to be sought in the person to be appointed;

1.2.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

1.2.3 make arrangements for a copy of the statement mentioned in paragraph 1.2.1 to be sent to any person on request.

### **1.3 Officers below Chief Officer Level**

Subject to paragraphs 1.3.1, 1.5 and 1.6, the function of appointment and dismissal of, and taking disciplinary action against, an employee of the Council must be discharged, on behalf of the Council, by the Head of Paid Service or by an officer nominated by him/her except where the Local Authorities (Standing Orders) (England) Regulations 2001 provide that it must be by the Appointments Panel or Council or other body as provided for in Part 3 of the Constitution.

1.3.1 Paragraph 1.3 shall not apply to the appointment or dismissal of or disciplinary action against:-

1.3.1.1 the officer designated as the Head of Paid Service;

1.3.1.3 the Director of Finance within the meaning of Section 151 of the Local Government Act, 1972

1.3.1.4 the Monitoring Officer within the meaning of Section 5 of the Local Government and Housing Act, 1989

1.3.1.5 an assistant for a political group appointed in pursuance of section 9 of the 1989 Act.

### **1.4 Appointment, and Dismissal of Chief Executive (Head of Paid Service)**

#### **Appointments**

1.4.1 The appointment or dismissal of the Head of Paid Service will be made following the recommendation of the Appointments Panel, the full Council must approve that appointment before an offer of appointment is made or, as the case may be, must approve that dismissal before notice of dismissal is given.

1.4.2 An offer of an appointment as Head of Paid Service must not be made until:-

1.4.2.1 the Appointments Panel has notified the Proper Officer of the name of the person to whom it wishes to make the offer and any other particulars which the panel considers are relevant to the appointment;

1.4.2.2 the Proper Officer has notified every member of the Cabinet of:-

- (a) the name of the person to whom the panel wishes to make the offer (subject to approval of the Council);
- (b) any other particulars relevant to the appointment which the panel has notified to the proper officer; and
- (c) the period within which any objection to the making of the offer is to be made to the Proper Officer by the Leader of the Council on behalf of the Cabinet; and

1.4.2.3 either -

- (a) the Leader of the Council has, within the period specified in the notice under sub-paragraph (c) above, notified the panel that neither he nor any other member of the Cabinet has any objection to the making of the offer;
- (b) the Proper Officer has notified the panel that no objection was received by him within that period from the Leader of the Council; or
- (c) the panel (or in the case of the appointment of the Head of Paid Service, the full Council) is satisfied that any objection received from the Leader of the Council within that period is not material or well-founded.

1.4.3 Notice of the dismissal as a result of disciplinary action, of an officer referred to in sub-paragraphs 1.3.1.1 to 1.4.3 above must not be given until –

Dismissals

1.4.3.1 the panel has notified the Proper Officer of the name of the person who it wishes to dismiss (in the case of the Head of Paid Service, the Monitoring Officer, or the Director of Finance, subject to the approval of the Council) and any other particulars which it considers are relevant to the dismissal;

1.4.3.2 the Proper Officer has notified every member of the Cabinet of:-

- (a) the name of the person whom the panel wishes to dismiss;
- (b) any other relevant particulars relevant to the dismissal which the panel has notified to the Proper Officer; and
- (c) the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the Proper Officer; and

1.4.3.3 either:-

- (a) the Leader of the Council has, within the period specified in the notice under sub-paragraph (c) above, notified the panel that neither he nor any other member of the Cabinet has any objection to the dismissal;

- (b) the Proper Officer has notified the panel that no objection was received by him within that period from the Leader of the Council; or
- (c) the panel (or in the case of the proposed dismissal of the Head of Paid Service, the full Council) is satisfied that any objection received from the Leader of the Council within that period is not material or well-founded.

1.4.4 The Proper Officer for the purposes of the rules shall be the Assistant Director Organisation and People Development for the time being of the Council or if he/she is unable to act in that capacity (either due to absence or as a result of conflict of interest (e.g. prior involvement)) the Monitoring Officer.

## **1.5 Disciplinary Action/Dismissal – Members of the Corporate Leadership Team (other than the Head of Paid Service)**

1.5.1 Where the Head of Paid Service considers that the actions of any officer who is designated as a member of the Corporate Leadership Team (other than the Head of Paid Service) warrant investigation, the Head of Paid Service may suspend the relevant officer(s) pending the outcome of an investigation under the Council's disciplinary procedure, but otherwise disciplinary action against or the dismissal of any officer who is designated as a member of the Corporate Leadership Team (other than the Head of Paid Service) will be undertaken by a politically balanced panel of councillors set up for that purpose. That panel must include at least one member of the Cabinet.

1.5.2 Notice of disciplinary action against an officer identified in paragraph 1.5.1 must not be given until:-

- (a) the panel has notified the Proper Officer of the name of the person who it wishes to discipline and any other particulars which it considers are relevant to the action proposed.

- (b) the Proper Officer has notified every member of the Cabinet of:-

- (i) the name of the person whom the panel wishes to discipline

- (ii) any other particulars relevant to the disciplinary action which the panel has notified to the Proper Officer

1.5.3 Notice of the dismissal as a result of disciplinary action, of an officer referred to in paragraph 1.5.1 must not be given until:-

- (a) the panel has notified the Proper Officer of the name of the person who it wishes to dismiss and any other particulars which it considers are relevant to the dismissal;

- (b) the Proper Officer has notified every member of the Cabinet of:-

- (i) the name of the person whom the panel wishes to dismiss
- (ii) any other particular relevant to the dismissal which the panel has notified to the proper officer.

1.5.5 The Proper Officer for the purposes of the rules shall be as specified in paragraph 1.4.5.

## **1.6 Appeals**

Nothing in paragraph 1.3 shall prevent a member from serving on a committee or sub-committee established by the Council to consider an appeal by:-

- 1.6.1 a person against any decision relating to the appointment of that person as an employee of the Council; or
- 1.6.2 an employee of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that employee.

## **1.7 Disciplinary action - Head of Paid Service, Monitoring Officer, and Section 151 Officer**

- 1.7.1 No disciplinary action in respect of the Head of Paid Service, Monitoring Officer, or Section 151 Officer, except action described in paragraph 1.7.2, may be taken by the Council, or by a Committee, a Sub-Committee, a Joint Committee on which the Council is represented, or any other person acting on behalf of the Council, other than in accordance with the provisions under regulation 7 and schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).
- 1.7.2 The Head of Paid Service, Monitoring Officer, or Section 151 Officer may only be suspended by a politically balanced panel as referred to in paragraph 1.4.1 and such suspension shall only be for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the date of such suspension.
- 1.7.3 The Leader of the Council shall have power to suspend the Chief Executive with immediate effect in an emergency as defined in the JNC Conditions of Service Handbook Model Disciplinary Procedure and Guidance.